

H.R. 2385 and H.R. 2488

LEGISLATIVE HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, RECREATION,
AND PUBLIC LANDS

OF THE
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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**HEARING ON H.R. 2385, TO CONVEY CERTAIN
PROPERTY TO THE CITY OF ST. GEORGE,
UTAH, IN ORDER TO PROVIDE FOR THE
PROTECTION AND PRESERVATION OF CER-
TAIN RARE PALEONTOLOGICAL RESOURCES
ON THAT PROPERTY, AND FOR OTHER PUR-
POSES; AND H.R. 2488, TO DESIGNATE CER-
TAIN LANDS IN THE PILOT RANGE IN THE
STATE OF UTAH AS WILDERNESS, AND FOR
OTHER PURPOSES.**

**Thursday, July 26, 2001
U.S. House of Representatives
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
Washington, DC**

The Subcommittee met, pursuant to call, at 2:01 p.m., in Room 1334, Longworth House Office Building, Hon. Joel Hefley [Chairman of the Subcommittee] presiding.

**STATEMENT OF HON. JOEL HEFLEY, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF COLORADO**

Mr. HEFLEY. The Committee will come to order.

Good afternoon and welcome to the hearing today. This afternoon, the Subcommittee on National Parks, Recreation and Public Lands will hear testimony on two bills, H.R. 2385 and H.R. 2488. H.R. 2385, introduced by Chairman Hansen, would convey certain property to the City of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources and for other purposes. The other bill, H.R. 2385, also introduced by Chairman Hansen, would designate certain lands within the Pilot Mountain Range in the West Desert Region of the State of Utah as wilderness.

Mr. HEFLEY. Based on the submitted testimony, I suspect we have quite a discussion on this bill. I want to thank Chairman Hansen for introducing these bills, which are obviously very important not only to the people of the State of Utah but also to many throughout the United States. I would also like to thank the Chair-

man for being here today as well as for all of our witnesses, and I look forward to today's testimony.

We do not have a ranking member present yet, but do you have a statement that you would like to make, or we will just save the statement until the ranking member arrives.

Statement of The Honorable Joel Hefley, Chairman, Subcommittee on National Parks, Recreation, and Public Lands, on H.R. 2385 and H.R. 2488

Good afternoon and welcome to the hearing today. This afternoon, the Subcommittee on National Parks, Recreation, and Public Lands will hear testimony on two bills—H.R. 2385 and H.R. 2488.

H.R. 2385, introduced by Chairman Hansen, would convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources, and for other purposes.

The other bill, H.R. 2385, also introduced by Chairman Hansen, would designate certain lands within the Pilot Mountain Range in the west desert region of the State of Utah as wilderness. Based on the submitted testimony, I suspect we will have quite a discussion on this bill.

I want to thank Chairman Hansen for introducing these two bills, which are obviously very important not only to the people of the State of Utah, but also to many throughout the United States. I would also like to thank the Chairman for being here today as well as all of our witnesses. I look forward to today's testimony.

I now yield to the Ranking Member, Ms. Christensen for an opening statement.

Mr. HEFLEY. Mr. Hansen, do you have an opening statement you wanted to make?

Mr. HANSEN. Only if you would allow me to, Mr. Chairman. I would really appreciate it.

Mr. HEFLEY. All right; now, we will go to the witnesses.

[Laughter.]

Mr. HEFLEY. I have dreamed of doing that, Mr. Hansen.

[Laughter.]

Mr. HANSEN. I can hardly wait until we are in full Committee.

Mr. HEFLEY. That takes care of any of my legislation, does it not?

[Laughter.]

Mr. HEFLEY. Chairman Hansen, would you proceed?

Oh, wait a minute. We now have our ranking member. Okay; she deferred to the Chairman.

STATEMENT OF HON. JAMES HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. HANSEN. Well, I thank the gentlelady from the Virgin Islands and the Chairman for allowing me to say a few words. We have two pieces of legislation today. I would like to speak to the first one, which is one of the most unique things that I think I have seen for an awfully long time. Dr. Johnson and his wife are with us; Mayor McArthur is with us from St. George. The Doctor is a retired optometrist and had some property out east of town and was moving some property. He will tell you about it more than I could, but it is a very fascinating story.

And I guess it was a front loader, and he turned something over, and what you see in front of you are these tracks that were there. Out of that, surprisingly enough, it has created a tremendous interest. There have been people from a number of countries who have come to see this. Paleontologists have come from all over the world, and it is probably one of the most amazing dinosaur tracks we have seen for an awfully long time.

We are trying to think of a way to do this, expedite it and without having further deterioration come to it. What worries a lot of us is the deterioration you can see which is kind of a problem, because you see it is raised, and wind and rain and other things create problems for this. And so, we are trying to work out a deal with the Doctor and his wife and the Mayor and the City of St. George to come up with a way to have the Federal Government help out on something that is very unique and probably much more unique than many of the parks and monuments that we have, so much more unique than the Grand Staircase-Escalante, it is unbelievable, if I may put that in, which to me was kind of a problem that they encountered.

The interesting thing about this is that we are preserving a resource for people from all over the world, basically, to see something that they could not see, and I think something is wrong with America if we miss out on an opportunity such as this. I notice some people are criticizing this. Of course, there is nothing around here that is not criticized, but using legislation passed last Congress as a model, this bill authorizes the Secretary of the Interior to purchase up to 20 acres of land where the footprints and tail dragging were found and convey this property to the City of St. George. The city will then work with the property owners, Washington County and a nonprofit entity to preserve the resources in question and keep them open to the public.

The Secretary of the Interior would be a participant in a cooperative agreement with the city and provide assistance to help further the protection of the resource. I have noticed some people who have said, well, we do not buy parks and give them to cities. I think we are hardly doing that, but in response to that statement, I challenge anyone to identify another property of equal scientific value within the city limits of any community anywhere in this country. Just show me a piece of property that has 150,000 visitors from 54 countries in 18 months charging no admission. I would dare say that they have probably had more participation on this particular thing than the whole Grand Staircase-Escalante of 1.7 million acres that has been there since September 1996. Of course, it is only sagebrush, so I guess that is understandable.

If profit were a motive, I think the Johnson family could have bailed out of this a long time ago. But they are good Americans who want the public to enjoy it. So that, with the Mayor and others, having the financial little bit of help we can do them, I think we can have a very good thing that would come about for all of the people in Utah, America, and around the world who have come to this.

I do not know, Mayor, how you are going to do this with all the kind of visitation I think you are going to have over this thing, but I hope it works out, because I think all of a sudden that the interest, as I have seen it—I was there right after the Doctor had the first one—and from that point to this point, you have got a traffic jam in there just of yellow school buses with people there bringing kids to see it.

So it is quite a find, and thank you, Mr. Chairman, for allowing me to have a word with you regarding this first piece of legislation.

Would you like the second piece now, or would you like to wait?

Mr. HEFLEY. Well, I would prefer waiting on this, Mr. Chairman. [The prepared statement of Mr. Hansen follows:]

Statement of The Honorable James V. Hansen, Chairman, Committee on Resources, on H.R. 2385

Mr. Chairman, I am pleased to welcome the witnesses from Utah this afternoon. I want to thank Mayor Dan MacArthur and Dr. Sheldon Johnson for coming to Washington to testify on this amazing scientific discovery in the community of St. George, Utah.

As we will hear today, Dr. Sheldon Johnson made an amazing discovery in February of last year while conducting site work on a piece of property he owned in St. George city. When the Navajo sandstone blocks were overturned, there in the stone were dinosaur tracks—not imprints, but bumps and taildraggings of unprecedented quality. These paleontological discoveries have been touted by scientists as some of the most amazing ever discovered. The clarity and completeness of the imprints are unparalleled as is the access to the prints by the public.

Since that time more than 150,000 people from all 50 states and at least 54 foreign countries have visited the site. This attention was welcomed and overwhelming at the same time. There are no visitor facilities nor means to protect the imprints that are exposed to the elements and traffic and congestion is becoming a serious problem for the owners and the city of St. George, Utah.

In addition to the logistical problems caused by this discovery, the preservation of these valuable resources is now in jeopardy. The fragile sandstone prints are highly susceptible to the heat and wind of the southern Utah climate. Some of the discoveries have already been lost to erosion and exposure. Fortunately, the decision was made not to turn over any more blocks until a way to protect the resource has been established. That is when I was made aware of the needs to provide some type of protection to the resource.

To their credit, the community in St. George has stepped up to do what they can to help. A makeshift shelter was constructed over many of the exposed imprints to provide some type of temporary protection. Volunteers were recruited, but even then, the community is still in need of assistance.

These resources are of great value to the entire world and I believe there is a legitimate role for Congress and the Administration in protecting this resource.

Early on, we discussed the possibility that this site might be worthy of National Monument designation. When I mentioned that we should introduce legislation to at least get the ball rolling, there was tremendous response from both the local community, the State of Utah and the scientific community about this bill.

Using legislation passed last Congress as a model, this bill authorizes the Secretary of the Interior to purchase up to 20 acres of land where the footprints and taildraggings are found, and convey the property to the city of St. George, where the City will then work with the property owners, Washington County and the non-profit entity preserve the resources in question and keep them open to the public. The Secretary of the Interior would be a participant in a cooperative agreement with the city and provide assistance to help further the protection of the resources.

I know that the Administration has some concerns with the language and I look forward to working with them to resolve any remaining concerns.

I was disappointed to read where one critic of the bill, insinuated that this is some type of government giveaway. This person stated: "We don't buy parks and give them to cities."

In response, I challenge that person to identify another property of equal scientific value laying within the city limits of any community anywhere in the country. Show me another piece of private property that has had 150,000 visitors from 54 countries in 18 months, charging no admission fee. If profit was really a motive, the Johnson family could have sold the prints and tracks to private collectors and made millions in the process. Instead, they are looking to give back to their community, but lack the financial resources to do so. To the city leader's credit, they also recognize the value of the resource to the community and the nation. They have come to the table as a partner and are willing to commit their resources to protect these amazing tracks. This is a partnership that will ultimately benefit all of us.

However, we must act quickly if these national treasures are to be saved. The American people deserve the chance to see them and the scientific community deserves to be able to study and learn from them as well. That will only occur if we move now to protect the resources. I hope my colleagues will support this bill and I look forward to the witnesses' testimonies today.

Dr. Christensen?

**STATEMENT OF HON. DONNA CHRISTENSEN, A DELEGATE IN
CONGRESS FROM THE U.S. VIRGIN ISLANDS**

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. I apologize for being late. I had to come back over from Dirksen.

Today, the Subcommittee is going to receive testimony on two unrelated bills which deal with resources found within the State of Utah. Our first bill, as you heard from, I am sure, the chair but also chair of the entire Committee, H.R. 2385, requires the Secretary of the Interior to buy up to 20 acres and give this property to the City of St. George, Utah. The private property in question contains dinosaur tracks that were discovered last year. The requirement to buy the site and give the land to the city is highly unusual.

This legislation constitutes an appropriation requiring the Secretary to take funds appropriated for other purposes and spend them on this land acquisition.

While our second bill, H.R. 2488, deals with a specific wilderness in Utah, this is not a new issue for our Subcommittee. The Pilot Range Wilderness and the management language of H.R. 2488 were part of H.R. 3035, a bill considered by the Subcommittee last Congress. That legislation, especially its management language, was controversial, and the Subcommittee eventually failed to act on that bill.

Mr. Chairman, the bills before us today raise a number of issues that we would want to carefully consider. We appreciate the presence of our witnesses and our Chairman and look forward to their insights on the legislation before us. Thank you.

Mr. HEFLEY. Thank you. Let us go with our first panel: Mr. Tom Fulton, deputy assistant secretary for land and minerals management for the Department of the Interior.

Mr. Fulton?

**STATEMENT OF TOM FULTON, DEPUTY ASSISTANT
SECRETARY FOR LAND AND MINERALS MANAGEMENT, U.S.
DEPARTMENT OF THE INTERIOR**

Mr. FULTON. Thank you very much, Mr. Chairman, Mrs. Christensen, Chairman Hansen, other members of the Committee. I appreciate very much the opportunity to testify today in support of H.R. 2385, the Virgin River Dinosaur Footprint Preserve Act. The bill directs the Secretary of the Interior to purchase and then convey to the City of St. George, Utah, certain property on which dinosaur tracks have recently been discovered.

The site involved is located on private property within the St. George city limits. Discovery of these tracks within the city is certainly locally unique, and they represent a potential focus for local interpretive efforts. The State of Utah has some of the most concentrated and significant paleontological resources of any region of the country. The administration supports H.R. 2385 with amendments to address, among other things, the following concerns.

The first is deadlines. We understand that if these tracks are to be protected, there is a degree of urgency. The bill includes schedules that reflect this urgency but do not allow enough time, in our

view, to accomplish the purchase and transfer of the property. We would like to work with members of the Committee to establish a schedule that allows sufficient time to address valuation and funding issues.

Second: valuation and methods of acquisition: the bill stipulates that the land is to be acquired through purchase, even though an exchange might be a viable option. No mention is made of a fair market appraisal as the basis for the purchase price for this land, although such an appraisal is required of any purchase by the United States.

Third: the bill calls for the conveyance of the land designated as the proposed Virgin River Dinosaur Footprint Preserve to the City of St. George with the requirement that the preserve is used in the manner described in the bill. With regard to funding for the city to protect this site, the Department would like to suggest the establishment of a nonprofit foundation, perhaps involving the State of Utah, Washington County and the City of St. George.

This administration stands ready to work with the Subcommittee on language to address these concerns. We recognize the significance and importance of these dinosaur tracks to the City of St. George and the residents of Washington County and the people of the State of Utah. We applaud their efforts to secure these tracks and protect them from further disturbance and deterioration so that they might be shared with the public. We also applaud Dr. and Mrs. Johnson's efforts to also assist in that regard.

This concludes my testimony, and I would be pleased to answer any questions members of the Committee might have.

[The prepared statement of Mr. Fulton follows:]

Statement of Tom Fulton, Deputy Assistant Secretary for Land and Minerals Management, U.S. Department of the Interior, on H.R. 2385

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today to testify in support of H.R. 2385, the Virgin River Dinosaur Footprint Preserve Act. The bill directs the Secretary of the Interior to purchase and then convey to the city of St. George, Utah, certain property on which dinosaur tracks have recently been discovered.

The site involved is located on private property which is adjacent to a turf farm, a small dump, and a high school, within the St. George city limits. The discovery of these tracks within the city of St. George is certainly locally unique and they represent a potential focus for local interpretive efforts. The State of Utah has some of the most concentrated and significant paleontological resources of any region of the country.

The Administration supports H.R. 2385 with amendments to address, among others, the following concerns:

1) Deadlines: We understand that, if these tracks are to be protected, there is a degree of urgency. Sections 2(a) and (b) of the bill include schedules that reflect this urgency but do not allow enough time to accomplish the purchase and transfer of this property. We would like to work with the Committee to establish a schedule that allows sufficient time to address valuation and funding issues.

2) Valuation and Methods for Acquisition: The bill stipulates that this land be acquired through purchase even though an exchange might be a viable option. No mention is made of a fair market appraisal as the basis for the purchase price for this land, although such an appraisal is a required for any purchase by the United States.

3) Post-Acquisition Management and Funding: Section 2(b) calls for the conveyance of the land designated as the Proposed Virgin River Dinosaur Footprint Preserve to the City with the requirement that the Preserve is used in the manner described in the bill. The bill stipulates that the City must preserve, protect, and make the paleontological resources available for educational activities. With regard to funding for the City to protect this site, the Department would like to suggest

the establishment of a non-profit foundation, perhaps involving the State of Utah, Washington County, and the City of St. George. This foundation would provide for the long term operations, maintenance, and educational interpretation of the site. The Department of the Interior would provide long term technical assistance.

The Administration stands ready to work with the Subcommittee on language to address these concerns. We recognize the significance and importance of these dinosaur tracks to the city of St. George and the residents of Washington County. We applaud their efforts to secure these tracks and protect them from further disturbance and deterioration so that they might be shared with the public.

This concludes my testimony. I am pleased to answer any questions the Committee may have.

Mr. HEFLEY. Thank you very much, Mr. Fulton.

I forgot to tell the witnesses, and you did a very excellent job of it, but there is a little machine in front of you there, and we would like for you to keep your testimony to 5 minutes if possible, and your entire statement will be put into the record. Then, we would have an opportunity to ask you some questions. So there will come on a little caution light and then a red light, and that is when you are supposed to be through. And Tom, you are obviously a veteran. You did a great job with that.

Let me ask you: in your testimony, you mentioned a concern over the time line that is outlined here in the legislation. Do you have a suggestion about what would be a more realistic time line?

Mr. FULTON. Not a specific time line, Mr. Chairman. I think what the Department needs is adequate time to look at the various aspects of the issue and work with the Committee, with the sponsor of the bill in a way that we make sure that all of the T's are crossed and the I's are dotted so that we can do this in the right way.

Mr. HEFLEY. You also mentioned that there is no reference here to fair market value. Do you think the bill should be amended to include something of that nature in there?

Mr. FULTON. Yes, I do. I think that our requirements would point in that direction, and a fair market valuation would be an item in the bill that we would be pleased to work with the Committee in getting placed in the bill.

Mr. HEFLEY. Do you think that—you know, this is wonderful; no question about that. Do we have a responsibility as the Federal Government to help protect these kinds of wonderful things, or is this a local deal that if they want to protect it, let the city protect it? So, we are not in the business of economic development or anything like that. Does this have a national interest or, as Mr. Hansen said, an international interest, that there is value for the United States Government to get involved in it?

Mr. FULTON. Well, I think both, that it is significant in the national scope in that this is one of the best examples that we have of these tracks anywhere in the world; this probably or may well be the best example in the world of the Jurassic period tracks and particularly the tail dragging. But also, it is a local matter. This is important to the City of St. George, Washington County, and the Department of the Interior, which manages nearly one-fourth of the land estate of the United States is local in nature.

Our requirements are that we work with local communities, and we want to do that. It is important to the City of St. George, and so, it is important to us.

Mr. HEFLEY. Thank you very much.

Mrs. Christensen?

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

Mr. Fulton, what are some of the other examples where the Secretary has been required to buy private property and transfer the land to a nonfederal entity?

Mr. FULTON. I cannot—I am not familiar with any examples. It is the desire of the Secretary to work with local communities in all aspects of public land management. I am not familiar with or aware of any specific examples, though.

Mrs. CHRISTENSEN. Do you have an estimated cost for the land that is proposed to be acquired?

Mr. FULTON. No; that would be the purpose of the fair market valuation.

Mrs. CHRISTENSEN. Okay; and any idea of where the money would come from? Because I understand it is supposed to be taken from other areas to purchase the land. Has any determination been made as to where the funds would come from?

Mr. FULTON. No; we are proposing to work with the author of the bill and to this Committee to determine where those funds might come from.

Thank you.

Mr. HEFLEY. Mr. McGovern? Any other questions?

All right; thank you, Mr. Fulton. I am sorry.

Mr. HANSEN. I am only ex officio here.

[Laughter.]

Mr. HEFLEY. I will pay the price for overlooking you, I am sure. You will find a way.

Mr. HANSEN. Well, thank you, Mr. Chairman.

Mr. Fulton, thank you so very much for coming up and testifying on this. We do appreciate it. I think the concerns that you have expressed are relatively minor and can be worked out between the Department of the Interior and the city and the Johnsons and other interested parties. I get a little worried about some of this, because you put your finger on something that concerns me also, and that is what do we do on the timeline here? And I think the Chairman talked about that.

Now, you have got a find that is unbelievable to some people. I do not know; Dr. Johnson could explain this, but we started out with just a few, and now, there are literally dozens of tracks out there now; maybe more than that; I do not know; it could be hundreds. And I still do not think they have turned over half of the area, so there could be all of these things. Would it not be a shame to paleontologists around the world, and don't forget the college student or the high school kid or the elementary school that comes along? I think half of their problem there—when I first went there, there was just a pile of rocks. Now, Dr. Johnson has erected a structure that keeps the wind and rain off it; the city or somebody has put a fence around it. But someone has got to get a hold of this thing, or I think we are going to lose a real treasure that has been presented to the people in a very unique way.

So I would hope that the Department of the Interior, yourself and others and this Committee could work this through expeditiously and iron out these problems. I honestly feel—this is some-

thing that the Chairman alluded to, and I could not agree more is this is something that has almost international scope. You know, in the northern end of Utah, we have something called Jansen, and we made that a national monument years ago. People are now asking to make it a park. I do not know if it qualifies. Maybe it does; I do not want to get into that. I will get in trouble with the people up in Vernal. But you get yourself in a situation where I really think that you have got something comparable or better. And so, it would be a shame to let this slip between our fingers because of bureaucracy and crossing T's and dotting I's, but I know that all has to be done.

So I honestly would just urge you folks from the Department of the Interior to help us out all you can. It is something that we do not want to see deteriorate in front of our eyes. So I thank you so much for being here and your excellent testimony, and thank you, Mr. Chairman.

Mr. FULTON. Thank you.

Mr. HEFLEY. Any further questions, Committee?

If not, thank you very much, Tom. You will be around here for the next bill, I assume.

Mr. FULTON. Yes, sir.

Mr. HEFLEY. Panel number two will be made up of the Honorable Dan McArthur, who is the Mayor of the City of St. George, Utah; Dr. Sheldon Johnson, who is the discoverer of Johnson Farm Dinosaur Site at St. George.

Mr. Mayor, why do we not start with you?

**STATEMENT OF THE HON. DAN McARTHUR, MAYOR,
ST. GEORGE, UTAH**

Mr. McARTHUR. Thank you, Mr. Chairman and members of the Committee. I would like to thank you for this opportunity to provide testimony on this important project which will preserve a national treasure. My name is Daniel D. McArthur, and I am the mayor of the City of St. George, Utah, and I am here on behalf of the city today. This legislation is most important to the City of St. George for several reasons which I will attempt to quantify in my testimony today.

I would like to give you a brief history of the significant events surrounding the incredible scientific and educational find of dinosaur tracks. Dr. Sheldon Johnson was leveling a small, sandy hill on his property adjacent to the Virgin River in the City of St. George. He was turning over rocks when he uncovered what has been classified as one of the best collections of dinosaur tracks ever found anywhere in the world.

The footprints are actually a cast of the foot where, 200 million years ago, dinosaurs walked and stepped in 8 inches of clay. The clay rested on a layer of rock that filled with sand. It was perfect for making footprints. So far, at this site, two species of carnivores or meat eaters have been identified; also, tracks of herbivores or plant eaters known as prosauropods have been found. These tracks have not yet been definitely identified.

The largest of the carnivore tracks at this location are of a dinosaur known as dilophosaurus. The word dinosaur means terrible lizard in the ancient Greek language, and when you break down

the word *dilophosaurus*, *di* means two; and *lopho* means ridges; and *saurus* means lizard; thus, two-ridged lizard.

It is believed that at the hips, he stood about as high as a small to medium-sized horse and was approximately 20 feet long. He would have weighed between 700 and 1,000 pounds. The *dilophosaurus* was the dominant predator of its time. *Dilophosaurus* did not overpower its prey; it slashed and tore the flesh of its victim until it fell. It was fast and agile. Three of the four fingers on the hands had claws that gripped and tore at the prey when it was feeding. As you are probably aware, there are several sites in Utah where dinosaur tracks have been found, but this is the only one providing a unique look at what is basically a cast of a dinosaur's foot.

St. George is located in the middle of several national parks and other natural wonders of the world. The discovery of these magnificent tracks provide the United States, the State of Utah and the City of St. George with a great opportunity as well as a sacred obligation to preserve the past. This dinosaur track find provides a unique opportunity for the aforementioned governmental entities to come together to preserve what could legitimately become a national and a world treasure, possibly the only one of its kind in the world.

Because of St. George's location in the middle of so many national parks and along the I-15 corridor, establishment of this national preserve would make the tracks available to millions of potential visitors from every state and foreign country. Establishment and protection of this resource would provide economic, educational and cultural benefits to a wide cross-section of the public. Scientific research would also be provided if this site is preserved, because most of the site has yet to be excavated. The State of Utah is interested in digging the rest of the site and has earmarked funds to pursue this additional excavation if the site can be secured.

This scientific and educational opportunity is incredible and does not come around very often. The City of St. George supports approval of H.R. 2385 for the following reasons: (a) this bill provides for a partnership of Federal, state and local resources to preserve a national treasure; (b) this bill provides an opportunity for scientific and educational research through on-site excavations; (c) this bill provides an asset that over 150,000 people have visited during the first year without promotion or adequate facilities; (d) this bill provides economic development opportunities for increased tourist traffic to southwestern Utah; (e) this bill provides potential new visitors to the national parks and monuments in southern Utah and northern Arizona.

Approval of this bill would begin the process which would occur if we are going to preserve the historic find for future generations to enjoy. Again, I would like to thank you, Mr. Chairman, and members of this Committee for the opportunity you have given me to present this testimony. I would strongly urge you to approve H.R. 2385 so this mutually beneficial project to preserve these historic dinosaur tracks can go forward.

Thank you.

[The prepared statement of Mr. McArthur follows:]

**Statement of Daniel D. McArthur, Mayor, City of St. George, Utah, on
H.R. 2385**

Mr. Chairman and Members of the Committee:

I would like to thank you for this opportunity to provide testimony on this important project which will preserve a national treasure. My name is Daniel D. McArthur, and I am Mayor of the City of St. George, Utah, and I am here on behalf of the City today. This legislation is most important to the City of St. George for several reasons which I will attempt to quantify in my testimony today.

I would like to give you a brief history of the significant events surrounding this incredible scientific and education find of dinosaur tracks:

Dr. Sheldon Johnson was leveling a small sandy hill on his property adjacent to the Virgin River in the City of St. George. He was turning over rocks when he uncovered what has been classified as one of the best collections of dinosaur tracks ever found anywhere in the world. The footprints are actually a cast of the foot, where two hundred million years ago dinosaurs walked and stepped in eight inches of clay. The clay rested on a layer of rock that filled with sand. It was perfect for making footprints.

So far, at this site two species of carnivores, or meat eaters, have been identified. Also, tracks of herbivores, or plant eaters, known as prosauropods have been found. These tracks have not yet been definitely identified.

The largest of the carnivore tracks at this location are of a dinosaur known as Dilophosaurus. The word dinosaur means "terrible lizard" in the ancient Greek language. When you break down the word Dilophosaurus, "di" means two, and "lopho" means ridges, and "saurus" means lizard, thus "two ridged lizard." It is believed that at the hips he stood about as high as a small to medium sized horse, and was approximately 20 feet long. He would have weighed between 700 and 1000 pounds. The Dilophosaurus was the dominant predator of its time. Dilophosaurus did not overpower its prey; it slashed and tore the flesh of its victim until it fell. It was fast and agile. Three of the four fingers on the hands had claws that gripped and tore at the prey when it was feeding.

As you are probably aware, there are several sites in Utah where dinosaur tracks have been found, but this is the only one providing a unique look at what is basically a cast of a dinosaur's foot.

St. George is located in the middle of several national parks and other natural wonders of the world. The discovery of these magnificent tracks provide the United States, the State of Utah, and the City of St. George with a great opportunity, as well as a sacred obligation to preserve the past. This dinosaur track find provides a unique opportunity for the aforementioned governmental entities to come together to preserve what could legitimately become a national and world treasure, possibly the only one of its kind on earth.

Because of St. George's location in the middle of so many national parks and along the I-15 freeway corridor, establishment of this national preserve would make the tracks available to millions of potential visitors from every state and foreign country. Establishment and protection of this resource would provide economic, educational and cultural benefits to a wide cross-section of the public. Scientific research would also be provided if this site is preserved because most of the site has yet to be excavated. The State of Utah is interested in digging the rest of the site and has earmarked funds to pursue this additional excavation if the site can be secured. This scientific and educational opportunity is incredible and does not come around very often.

The City of St. George supports approval of H.R. 2385 for the following reasons:

A. This bill provides for a partnership of federal, state, and local resources to preserve a national treasure.

B. This bill provides an opportunity for scientific and educational research through on-site excavations.

C. This bill preserves an asset that over 150,000 people have visited during its first year without promotion or adequate facilities.

D. This bill provides economic development opportunities for increased tourist traffic to Southwestern Utah.

E. This bill provides potential new visitors to the national parks and monuments in Southern Utah and Northern Arizona.

Approval of this bill would begin the process which must occur if we are going to preserve the historic find for future generations to enjoy.

Again, I would like to thank you, Mr. Chairman and members of this Committee, for the opportunity you have given me to present this testimony. I would strongly urge you to approve H.R. 2385 so this mutually beneficial project to preserve these historic dinosaur tracks can go forward. Thank you.

**STATEMENT OF SHELDON JOHNSON, DISCOVERER OF
JOHNSON FARM DINOSAUR SITE, ST. GEORGE, UTAH**

Mr. JOHNSON. Thank you, Mr. Chairman, for the invitation to speak on behalf of the dinosaur discovery that holds so much value to so many people in our nation and around the world. I especially want to thank Representative Hansen for drawing all responsible parties together in an effort to save these unique scientific artifacts for future generations.

My name is Sheldon Johnson. I am a retired optometrist who developed a small farm some 30 years ago to teach five sons how to work. Years ago, I donated some of my farm ground to the City of St. George for a road, and about a year and a half ago, the city began improving that dirt road, and they cut through a small hill. I felt that I should bring this hill down to the level of the road. I took about 20 feet of the hill off and hauled the dirt away, and I came upon a large layer of rock that was very peculiar. It came out in chunks, three foot wide, two foot thick and 20-foot long with perfectly straight edges and sides.

Kelly Bringhurst, a geology professor at Dixie State College in Utah said that is Jurassic mudstone from the age of the first dinosaurs. I then looked for dinosaur impressions on the top of those rocks but saw none. Then, hauling away rock one day, I accidentally turned a large stone over and found on the bottom of these huge stones perfect casts of dinosaur feet. They were so startling to me that I could hardly believe what I was seeing. As I turned over the rocks I had lifted up, I found that I had casts or native tracks of over 300 dinosaur feet.

Only half of the stones on the sites have even been revealed yet. There is much more to discover. These trace fossils, preserved underground for 200 million years, are now exposed to the high desert temperatures, the wind and rain and cold. They will deteriorate and have deteriorated and suffer adverse effects until we are able to place them in a more protective environment.

This discovery site inside the City of St. George is about one mile off Interstate 15 and is bordered to the south by the Virgin River, which is the drainage source of Zion National Park. Those beautiful salmon and white cliffs are clearly seen from this 2,000-foot elevation, but from this point, the earth rises to 10,500 feet and thus provides a breathtaking panorama to visually teach the geology of our earth.

Utah State Paleontologist Dr. James Kirkland—he is the consultant to Discovery Channel on Walking with Dinosaurs—enthusiastically verifies our discovery and has been a great help, as has Dr. Wade Miller of BYU. Renowned scientist and author Dr. Martin Laughley, world-recognized authority on dinosaur tracks and a most avid supporter of ours would like to bring a third scientific team to continue exploration as the protective housing is underway.

These and other scientists tell us these tracks are the very best yet discovered; that they show two distinct species of dinosaurs and significant signs of others. These artifacts show details of dinosaur anatomy never before seen. Paleontologists and geologists from around the world who visit this site agree with us that sharing this discovery with the scientific community means we will continue

this excavation in a very organized way to find the most complete, detailed information about what was once the world of dinosaurs.

As many as five buses at the site a day bring students to witness the wonders and feel the excitement. I was there one day when two buses from Princeton University's Department of Geology came with graduate geology students. As we share these artifacts, people plead that a museum be built to preserve and make available the thrill of discovery to children and adults from all walks of life.

We have counted as many as 3,000 people in one day. A sample count of a typical day from our register showed that 900 people came from 29 different states and five different countries that day. Without maps or brochures or marketing, we have had well over 150,000 from every state of our nation and from at least 55 different nations in this 1 year and 4 months that we have been since our discovery. They still come. They have heard about this amazing site from word of mouth; from television broadcasts that have gone the world around; from magazines, newspaper articles and hand-carried to us from around the world.

We thank 42 volunteers who have given hundreds of hours each to protect the prints; to study, research and guide visitors through the rewarding experience they will always remember. We have never charged money or tried to commercialize this, but visitors' donations have helped some of our expenses. St. George City has made it possible to come this far. We will give some property. A prominent architects' firm has voluntarily volunteered talent, and a local bank has donated money for a sign. My wife, LaVerna, and I feel that we must all share in this dream. We have set up a 501(c)(3) nonprofit organization to help funds for the educational project, but first, we need a climate-controlled storage and work and display area for these great artifacts and for the volunteers and international visitors when the temperatures reach as high as 110 in St. George.

Other museums desire these artifacts, but we have enough to share. But first, we must take care of what is on our site. Then, we can share. We feel that these dinosaur trace fossils were given to us personally so that people all over the world can enjoy and feel the thrill of their existence. Visitors always say this site must be saved. A doctor from Paris, France told us one day: this treasure does not belong to your country. This belongs to the world. Who will get to help you?

With your help, we will build an exciting place of preservation, discovery, imagination, miracle, inspire, inquire and education. We are asking you to help us make a united dream of sharing come true.

Thank you very much.

[The prepared statement of Mr. Johnson follows:]

**Statement of Dr. Sheldon B. Johnson, Discoverer of Johnson Farm
Dinosaur Site, St. George, Utah, on H.R. 2385**

Thank you so much for the invitation to speak in behalf of this scientific discovery of exceptional dinosaur tracks that hold so much value for so many people in our nation and around the world. I especially want to thank Representative Hansen for drawing all responsible parties together in an effort to save these unique artifacts for future generations.

I am Sheldon Johnson, from St. George, Utah—a small community located on I-15 between Las Vegas, Nevada and Salt Lake City, Utah. I am a retired optometrist

who developed a small farm some thirty years ago to teach our five sons a good work ethic. They helped clear the land, level it, plant it, and harvest crops as they earned money for college the hard way, and grew in strength and character.

They are now productive tax-paying family men and engineers. One of these tax-paying sons who worked on the family farm has Down syndrome. He has worked for J.C. Penney's for 35 years, lives independently with his wife, and is a licensed driver who drives his wage-earned car well.

I believe that joy in hard work pays many unseen dividends, and I believe that sharing the results of that hard work also brings joy.

This past year and a half of our great effort and expense trying to share our dinosaur discovery and to preserve this historic scientific treasure has been both hard work and rewarding as we have met good people from all over the world.

I guess this started many years ago when I donated some of my farm land to the city of St. George for a road they wanted to put through. About a year and a half ago the city began improvement on this dirt road, and they cut through a small hill on the farm. I talked my sons and partner into buying a track hoe and allowing me to dig down this hill which was thirty or forty feet high to bring the property more to the level of the road.

After I took about twenty feet of the hill off and hauled the dirt away, I came upon a layer of rock that was very peculiar. It came out in chunks three feet wide, two feet thick and ten to twenty feet long, with perfectly straight edges and sides. I asked Kelly Bringham, my stepson who is a Geology professor at Dixie State College of Utah what this stone was and he said it was Jurassic mudstone from the age of the first dinosaurs 204 Million years ago. I looked for dinosaur impressions on the top of the rocks but didn't see any.

Then one day I accidentally turned a large stone over and on the bottom of these very large blocks of stone were perfect casts of dinosaur feet. They were so startling to me I could hardly believe what I was seeing. Each rock I turned over had several really fantastic casts of large and small dinosaur feet. (I later would learn terms like *Grallator* and *Eubrontes*.)

Life took a big change as my wife and I unexpectedly found ourselves with a new job of greeting visitors—which for the first three months usually went from 8 o'clock in the morning until about 9:30, or until it was too dark to see at night, seven days a week. Finally a gentleman stepped in and said, "You have got to have some volunteers here or you are going to kill yourselves. This is never going to end!"

We are so grateful to the good people who have stepped up to volunteer at "their" site!

When I finished turning over all the rocks I had lifted up, I found that I had casts of over three hundred dinosaur feet. There is at least again as much area of Jurassic mudstone that remains to be lifted up and needs to be scientifically investigated. Dr. Wade Miller of Brigham Young University was the first scientist to visit and verify this Jurassic discovery. Soon after, many scientists came.

Utah's State Paleontologist Dr. James Kirkland (consultant to Discovery Channel's *Walking With Dinosaurs*, and world renowned author and dinosaur track expert Dr. Martin Lockley tell us that our tracks show two distinct species of dinosaur, and possibly more. They show details of dinosaur anatomy never before seen. Fortunately, Dr. Lockley completed measuring, tracing, and photographing a four-step tail drag on a surface layer of the site before it became weather worn.

I have built a shade cover for the overturned prints, but during this past year and a half these trace fossils (that have been preserved underground for over two hundred million years in more ideal conditions) have been exposed to the high desert temperatures, wind, rain, and cold. These marvelous artifacts will continue to suffer adverse effects until we are able to protect them in a more managed environment.

As geologists and paleontologists have come from around the world to our site to see the foot casts, and trace fossils, they all agree with our decision not to turn over more stones until we have a way to preserve and protect this world class scientific discovery.

We also agree that sharing this discovery with the scientific community means we will continue this excavation in a very organized way that will benefit not only the inquiring or curious mind, tourists and students alike, but in a way that will produce the most complete, detailed information about our world—evidence of plant and animal life of the world of dinosaurs 204 million years ago.

As we have shared these artifacts with people from all over the world they have all agreed that a permanent museum needs to be built to protect and preserve and make available the thrill of discovery to children and adults from all walks of life. Enclosed is a sample of our guest register taken from a part of an hour in May 2000. It indicates the feelings people get in sharing this discovery.

A sample count of a typical day from our register shows us 900 people from twenty-nine states and five different nations visited our site that day.

The site is easily accessible inside the city of St. George on what is now a major road about one mile from the freeway. The property is bordered to the south by the Virgin River which is the drainage source of Zion National Park. The beautiful white and salmon colored cliffs of the park can be seen from the discovery site. The elevation of our site is about 2000 feet, but from this place the vista of earth layers rise to 10,500 feet! Thus, an unusually varied view greets the visitor, providing a favorite place to visually teach the geology of our earth.

Busses of students come to the site daily from Utah and surrounding states to witness the wonders and feel the excitement. One day I was there when two busses from Princeton University's Dept. of Geology came with graduate Geology students to share the discovery. We have had as many as five school busses on site at one time. Students continue to arrive from near and far.

A great number of Paleontologists have come to the site and helped us in this discovery. Dr. Martin Lockley, the world's recognized authority on dinosaur foot prints is our most avid supporter. Dr. Lockley would like to organize a scientific discovery team to continue the find as soon as we have a place to put the artifacts. Dr. James Kirkland, Utah's state Paleontologist, has been a great help in giving authenticity to what we have found and in guiding the state to do what they can do.

My wife, LaVerna Johnson, a retired educator, is working very hard to create a greatly needed place of learning and discovery here. We have set up DinosaurAH!torium, a 501(c)3 not for profit corporation to search for grants and aid from philanthropic organizations to help fund future educational projects related to this site.

But first we need to build a safe storage facility with a climate controlled storage area, a scientific work area, and display area for these great artifacts where our volunteers and international visitors can enjoy this scientific discovery when the temperature is as high as 110 in the summer.

We feel that all must share in this dream. We will give some property, Naylor/Wentworth, a prominent architectural firm, has volunteered talent and service and has done a plot and elevation study of the site. Washington Mutual Savings, a local bank, has donated a DinosaurAH!torium sign at the site so people searching can find us. Mayor Dan McArthur and St. George City has made it possible to come this far on the project with the help of its Parks and Recreation Department. The Washington County Volunteer Center has helped staff with wonderful daily volunteers.

This discovery site can be reached by turning off Interstate 15 at the Washington Exit, the first St. George area exit as you enter from the north. Go south, pass CostCo and travel about one mile until you see a DinosaurAH!torium sign on the left side of the road. Visitors are welcome.

However, there are no freeway signs to tell people to stop. There is no advertising, no brochure, no publicity campaign, but we have recorded as many as three thousand people in a day, over five thousand on a holiday weekend, and now have had well over 150,000 people come to see these prints in the past year and four months. Record books kept since March 2000 tell us that people have come from every state of our nation, and from at least fifty five different countries! And they still come.

They have heard about this "amazing sight" by word of mouth, by magazine and newspaper articles they often hand carry to us from around the world, and from seeing several television broadcasts that have gone world wide. An interactive video program broadcast to South America via Voice of America featured this unique discovery.

Scientific journals and publications geared to the public continue to tell of our discovery and its significance, the most recent article being in SCIENCE NEWS. Yesterday's interview from VIA Magazine, with a readership of 2.5 million people, a new dinosaur book coming out this fall called Dinosaurs of Utah, and several other magazine articles coming out within the next two months tell us that visitor numbers will only increase.

My wife LaVerna and I have traveled to many museums since that day of discovery, and we find that these dinosaur foot casts are unique. She has since become a member of the board of the Utah Museums Association (of which DinosaurAH!torium is a member), and we work for the benefit of all the public as we strive to save and preserve this valuable site. Utah's Office of Museum Services is awarding a \$9,000.00 grant to assist us in preserving this national treasure.

Visitors unite in a chorus of: "This site must be saved." As a doctor from France told us one day, "This site does not just belong to just your country, you know. This treasure belongs to all the world! Who will help you do this?"

We have never charged money or tried to commercialize this find, but we have received donations from guests that have helped with some of our expense. The city

of St. George has given great support for site needs, and forty two different volunteers have given hundreds of hours to protecting the prints, to study, research, and to guiding the visitors to a rewarding unique experience they will always remember.

Once our building begins we are sure that many people will step up to support, but first we must begin. Without initial funding we are afraid pending property development will necessitate loss of this significant discovery site.

All museums and schools indicate a desire to receive some of these Jurassic trace fossils, and we have enough to share, but first we must take care of what is on the site—then we can share. We feel that these prints were given to us that people all over the world can enjoy and feel the thrill of their existence.

With your help we will build an exciting place of preservation, discovery and imagination for America that will inspire inquiry and education. We are asking you to help us make a united dream of sharing come true.

Mr. HEFLEY. Thank you, both of you.

Let me ask: clearly, this 20 acres is not the only place that dinosaurs walked in that area. Is it anticipated that if we buy this 20 acres, and then, there will be another 20 and then 40 and then so forth? Or is this the only place that you can actually—

Mr. JOHNSON. This is a peculiar site, because the whole 20 acres they want includes along the river, which would be a parkway along the river that would supplement—help visitors enjoy the site. The site is an uprift, upthrust hill that only includes about 3 or 4 acres. It is a hill that has been upthrust some 20 to 40 million years ago, and it is the only site where rocks will be found. So there is not a possibility of others, because it is the only upthrust. The rest of it is level ground.

Mr. MCARTHUR. The rest of it is developed, basically, around this.

Mr. HEFLEY. And they have not found anything in the development process?

Mr. JOHNSON. Oh, no, no. The geology of this is that this is level farm ground except this one hill that was thrust up approximately 300 feet, geologists tell us, as it thrust up. I took the top 20 feet off. So the rest of that layer of ground where dinosaurs walked is 300 feet below the ground all over. And so, there is a possibility only in that hill to find that sort of—it is a very select site.

Mr. HEFLEY. Mr. Mayor, Mr. Fulton seemed to express the concern of the Department that the site would be cared for properly under your stewardship and under the plan in the bill. Would you like to speak to that?

Mr. MCARTHUR. Yes; southwestern Utah would not even exist if we were not able to cooperate with the surrounding agencies like the county government, school district, the college and other things. And in our discussions up to this point, we have seen that our resources have been taxed very heavily. We are the first ones to come forward and actually fence the site and actually put restrooms and other things on the site. They were portable restrooms and help working with the staffing of volunteers through the city staff.

And the goal has been from this point forward, of course, working with the State of Utah, with the educational system and other things to make sure that this happens, and I have no doubt in my mind that we can make it work working together. It is just the acquisition of the site; and then go forward from there in making it work.

Mr. HEFLEY. Ms. Christensen?

Mrs. CHRISTENSEN. I do not think I have any questions, Mr. Chairman. I just find it fascinating that you could see dinosaur footprints this well at this late date, and I am encouraged that the Department is willing to work with both the city and the Members of Congress in trying to find a way to preserve the area. Our concern is just the direct purchase by the Department of the Interior, which would be an unusual way to go about accomplishing this.

Mr. MCARTHUR. Could I say something? If you look in this particular spot, this is probably the only place that I know of that you would find a site like this right square in the middle of town. All the rest of the ground around here, it is all private land, whereas, most of the area of our county is Federal and state land. And therefore, you know, acquiring that property right in the middle of town is really critical to us, and we have already begun negotiations. In fact, I think we have pretty well negotiated a settlement price with the land owners that can work.

But I do not think that that is final, but I think that that is going to happen. All the parties involved, whether it is the land owners, whether it is the school system, whether it is the State of Utah, everybody is on board and making and saying that we have got to make this work: the BLM, the local BLM group is saying yes, we have got to make this work; we can make it work. It has just got to work within the confines of each one of our systems.

Mrs. CHRISTENSEN. Can I ask a question?

Mr. HEFLEY. Sure.

Mrs. CHRISTENSEN. Mr. Fulton said in his testimony; yes, this is the right bill: an exchange might be a viable option. Is that something that has been looked at? Is there some other property that could be—

Mr. MCARTHUR. The difficulty of that, like I said, is most of the property around there is already under governmental control. We are already the largest landowner in the river system because of endangered species and others that are found uniquely in our Virgin River System. We are already under a plan that is called the Virgin River Management Plan that we have all parties assigned trying to recover the species and others, and we have been the largest—trying to acquire land, either by donation or purchase or swapping what land we have had. But we have no more land to swap, and we own it from our southern border to the northern border, and Dr. Johnson owns some other property along this river that he is working with and donating or through purchase that we can do, and then, we will tie all that together with a trail system and other things for the use of the public.

Mrs. CHRISTENSEN. Thank you; I am sure Chairman Hansen does not agree that that is a viable option anyway.

Thank you, Mr. Chairman.

Mr. HEFLEY. Well, I think that is a good question: Dr. Johnson, is there any—if most of it is government-owned land around there, is there any government-owned land around there that you would like that you would consider a trade?

Mr. JOHNSON. I am sure if that is the need, we would do that. We are not trying to make a lot of money on this. Even the price, we are giving lots of acreage, and it is costing—I would have been really well off if I had just turned that stone under to begin with,

because it has cost me a lot of money and a lot of time, and I am not trying to do anything but get it before the public.

I am sure if you could designate some land around to trade for it, government land, it would be possible. We would not stop it; that is for sure. We want to make it work, whatever we have to do.

Mr. HEFLEY. Okay; Committee, other questions?

All right; thank you very much.

Mr. Hansen?

[Laughter.]

Mr. HANSEN. I can hardly wait for full Committee.

Mr. HEFLEY. Have you noticed I lean over to my left over here? Have you noticed that, Mr. Hansen?

Mr. HANSEN. I have noticed that.

Mayor McArthur, how do you envision—let us just say hypothetically this thing comes about; that we are able to pull it off here; the part that we play in it. As you mention, there are a lot of entities involved. How do you envision this coming together? Give us a little vision here of how you envision this thing to happen.

Mr. MCARTHUR. Well, I envision the State of Utah coming forward to help us also. They have expressed a lot of desire to do that through the legislative process and other things and acquiring some funds. Like I say, we have been strapped with that, but I believe that through the efforts of the local college and educational system as well as our own system and the volunteers which we have, which we have a tremendous amount because of our retirement area; you see how St. George is growing or at least Washington County over the last decade; I have seen it double in population over the last decade, and that has been the history of it with people moving into the area. We have a tremendous volunteer effort working.

And what I see in this particular thing working together is trying to work with either ASIA, which is a volunteer organization of the BLM and others in recommending places that people can visit, either through the National Park system or through the state park system or even the other areas, but we believe that working together with the BLM, whoever we have to work with, and the schools is very possible. It has worked in the past, and we have a commitment from them at this point and forward to do it.

I am not exactly sure how it would work, but I know it would be under, right now, under the direction of the City of St. George, and we are committed to make it happen.

Mr. HANSEN. So let us just go to the bottom line on it. Let us say we are able to do the part that we are asked to play on it. The city is involved; the state is involved; the county is involved; the schools are involved; and we have got a private entity that is going to run this show, or is it going to be the City of St. George?

Mr. MCARTHUR. No; it will probably be a private entity is what we would try to get.

Mr. HANSEN. Which all of these other entities would help—

Mr. MCARTHUR. Would work together, absolutely.

Mr. HANSEN. With funding or whatever it is. Okay; the first thing, then, is the land.

Mr. MCARTHUR. Yes.

Mr. HANSEN. Get that worked out.

Mr. MCARTHUR. The preservation.

Mr. HANSEN. That is taken care of. Then, somebody is structured to run this private entity. And then, they put a plan together and say, all right, all these people here are going to put money in, time, whatever it may be, and then, you come up with a plan of what to put there: structures, parking lots, fences. The Doctor mentioned going down in that lower area by the Virgin River as kind of a scenic walkway or something; is that right, Doctor?

Mr. JOHNSON. A scenic walkway that would enhance the park itself. The stones are on an area of about 2 acres total, but that is so small, there is hardly room for the parking lot. And so, down along the edge of the river, which we have volunteered to give to the entity, whoever it would be, would make a beautiful parkway, a Jurassic park, so to speak, so that people could have places to go picnic and to take their families and to have an experience and be able to spread out under trees and picnic tables, and that would join—it would be part of that.

We are not talking about a lot of money, and even then, we have offered the site, the site right on the road for \$45,000 an acre, and that would be, you know, \$90,000 for the whole thing. So we are trying to give as much as we can and still make it possible within our limits.

Mr. HANSEN. I appreciate your generosity, and the people of St. George have surely commented on it as has your media in that area of what you have been able to do. But this is not a money making thing. This is for either the city or any of these entities, this is an idea to make this open but, yet, in a way that we do not desecrate it or hurt it in any way.

So this entity would then figure out the logistics: what we are going to build; the time they can be there; do we have to charge to offset maintenance and all that kind of stuff? Is that what we are envisioning here?

Mr. MCARTHUR. Yes.

Mr. HANSEN. And then, who owns it?

Mr. MCARTHUR. Well, the City of St. George—

Mr. HANSEN. In other words, who takes fee title?

Mr. MCARTHUR. Takes which?

Mr. HANSEN. Fee title.

Mr. JOHNSON. The fee title.

Mr. HANSEN. Who takes title to it? I mean, if we are going to negotiate a sale here, we have got to have a seller. And we have got the seller sitting here. Who is the guy that is going to own it?

Mr. MCARTHUR. Well, the City of St. George, unless, out of this negotiation that we work on who runs it and how it works in the future; if something changes, the City of St. George is the owner.

Mr. HANSEN. I guess it would come under the direction of St. George.

Mr. MCARTHUR. That is right.

Mr. HANSEN. Because you are going to be the number one entity. It is in your confines, in your jurisdiction; is that right?

Mr. MCARTHUR. Yes, and we are willing to take that lead.

Mr. HANSEN. So in your best estimation, if all these ducks line up, when are we going to be to that point?

Mr. MCARTHUR. Congressman, the sooner the better. The city has not just looked at, you know, you have heard people say that we have to protect the site. We have already gone in and are looking at some materials to help protect the site as best we can. It is not a permanent building by any means of what we are trying to do, but there has already been a structure put over it to keep the sun somewhat off, and now, we are trying to do another one by maybe investigating putting—if there is some material and things on the side that we can actually enclose them somewhat for temporary protection until some funds can be acquired, either through the state or through this, that can actually build something on site. We are planning on building something on site and going forward with the design.

Mr. HANSEN. Like an enclosed area?

Mr. MCARTHUR. An enclosed area.

Mr. HANSEN. Enclose some of those areas?

Mr. MCARTHUR. Enclose them.

Mr. HANSEN. Make an area where they will not be deteriorated further?

Mr. MCARTHUR. Exactly.

Mr. HANSEN. Something like that.

Mr. MCARTHUR. And then, let them go ahead and develop them and look at them later through study.

Mr. HANSEN. Dr. Johnson, you have an interesting situation here. As you both testified, and I have seen with my eyes, visitation that exceeds some of our national parks. I could name four or five national parks that do not even come close to what you get. I will not, because Lee Davidson will print it in the Deseret News, and I will be in trouble. Sorry.

But anyway, you get down to the idea that—how do you handle that? How do you handle that? Here is one man and his wife who discovered this who probably wants to retire—I assume you are retired now.

Mr. JOHNSON. We retired, and then, all of a sudden, this hit us, and we had to be committed to something. And we started there early in the morning, 6 or 7 in the morning, and we would be there until 9 or 9:30 at night. In fact, people would come up with their headlights and say it is too late to see, but I will shine my lights on it. And we would say we are so exhausted, we have got to go home!

Finally, the City of St. George and the surrounding areas developed a volunteer bureau, and we have finally found 42 volunteers to help us guide these people through this great find, and they have been working the last year under extreme conditions: the heat and the wind and the rain and everything, and they have just hung in there, and I said someday, we will have a cover for this. We have got to. I have exhausted about all of my resources to cover it and to do the things I have needed to do, but now, it is to the final—we have got to do something else, you know. It has to be covered and has to move on with a greater entity, more than just the enthusiasm of my wife, LaVerna, and I, because we are getting too old and too tired.

Mr. HANSEN. You regret you have only one life to give to this.

Mr. JOHNSON. I do.

[Laughter.]

Mr. JOHNSON. It has been a thrilling experience, even to come here today. I have fulfilled a dream that we are doing something that the whole world can really enjoy. And they do: they are so thrilled. I showed a list of the people who come each day; comments as they write their name. Behind their name is an exclamation of thrill, wow, exciting; the beautiful things that they say, you know. They are all saying what a beautiful experience that was.

I have seen grown men sitting on one of those tablets and crying of the immensity of the thought of what happened here, and I am sitting right next to a foot that set down 200 million years ago. It is just breathtaking sometimes.

Mr. HANSEN. Dr. Johnson, we commend you for what you have done for all of us, and I hope it turns into the vision that you have.

And my last question: did your five boys learn how to work?

Mr. JOHNSON. They were great examples. I have four engineers. I have one Down's Syndrome boy who is 46 years old right now. Because he worked on the farm, he has a driver's license; he is married; he has a full-time job. He has driven a car for 10 years without an accident in a busy place. He is the most successful boy I have got, and all of the rest of them are great sons with engineering degrees.

Mr. HANSEN. Well, I am glad the initial thought worked out for you, then, to teach the boys how to work.

Thank you, Mr. Chairman.

Mr. HEFLEY. Thank you. I thank the witnesses, and we will go to the next panel.

Mr. HEFLEY. The next panel, for a return engagement, is Tom Fulton, Deputy Secretary of Land and Mineral Management for the Department of the Interior. Before we get to that, Mr. Hansen, would you like to give an opening statement, Mr. Hansen, before we get to the witness?

**STATEMENT OF HON. JAMES HANSEN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF UTAH**

Mr. HANSEN. Thank you, Mr. Chairman.

I would appreciate it if I could have an opening statement. I want to thank you for holding this hearing on H.R. 2488, the Pilot Range Wilderness Area. For more than 25 years, many of us have participated in the Utah wilderness debate one way or another. The faces change from time to time, but the debate never seems to end. It is an emotional debate and one with no apparent end in sight. There have been dozens of attempts to solve the wilderness issue over the years; none of them successful.

Now, keep in mind that Utah did do the Forest Service; we are talking BLM here. There have been incremental approaches put forward and comprehensive statewide proposals introduced. The number of acres proposed as wilderness have ranged from 800,000 to 9.3 million. Along the way, we have seen national conservation areas proposed and national monuments created; BLM wilderness inventories and reinventories; lawsuits and appeals, but

unfortunately, we are no closer to resolving this wilderness thing than we were 25 years ago.

Three years ago, Governor Leavitt proposed using an incremental approach. Rather than arguing over the 9 million versus 2 million, we tried to narrow the discussion down to a much smaller scale, and ultimately, we were very, very close to reaching an agreement last year. We learned a valuable lesson: we found that it was possible to reach agreement when the focus of the debate was narrowed. When we concentrate on one specific area and negotiate boundaries and specific management language appropriate to the area, we can address the problem with a minimal amount of rhetoric. It is a labor-intensive and time-consuming process. But if it moves the debate forward, I am willing to invest the time.

With that in mind, I introduced the Pilot Range Wilderness bill. The Pilot Range was not inventoried until the original 106th wilderness reviews due to its checkerboard private and public land patterns at the time. However, through a series of land exchanges conducted in the 1990's, BLM acquired most of the railroad lands and the state trust lands in the unit, and subsequently, it was included as part of the Babbitt reinventory 2 years ago.

The Pilot Range offers an opportunity to discuss wilderness values while focusing on a specific unit only. We have made an effort to take in the most reasonable boundaries, excluding the human intrusion as much as possible. We have cherry-stemmed the same roads as the Babbitt reinventory did. While wilderness advocates will claim today that we have excluded half the wilderness area, my colleagues should know that this bill includes 100 percent of their bill that was called H.R. 1500, the bill supported by Mr. Hinchey, and the gentleman, Mr. Young, who is here from the Southern Utah Wilderness Alliance. That was just 2 years ago.

The simple fact is this: until 2 years ago, many of our environmental groups did not include the Pilot Range as part of its wilderness proposal. I have never seen it up until 2 years ago. Today, we will hear about how absolutely precious these lands are. If that is the case, why were these lands not part of it before? I guess that is something I would like to hear. In reality, we have excluded an area north of this range called the Bald Mountain area, as did Mr. Hinchey 2 years ago. In the Hinchey bill 2 years ago, it excluded that.

I am interested as to why communications towers, mines, roads and fences now qualify as wilderness when they did not 2 years ago. I also am happy to see my friend Mr. Young put in the Deseret News that he made an interesting statement, so I guess he is here to acquiesce on that and say that we were right and they were wrong. And I love your statement here, if somebody did not steal it from me, when he said—you can speak for yourself, Mr. Young, but if you do not mind, I would like to say when you said what good is wilderness if it has roads, mines—oh, this is a quote: "What good is a wilderness with roads, power lines, buildings and communications towers," SUWA Executive Director Larry Young requested, and their area is exactly what has got in it, and to show that, we will later, Mr. Chairman, show pictures of their area with roads, mines, communication towers and other areas in it. So I

agree with him completely on that. I am glad to be able to agree with Larry on something, because he is a pretty good guy.

Water resources within the wilderness boundaries that we have drawn are minimal. We intentionally have drawn boundaries around two streams specifically because keeping these streams in the wilderness would impair the ability of the Division of Wildlife Resources in the BLM to manage the threatened trout habitat. Contrary to what some may say, wilderness designation is not a panacea for wildlife. In this case, it would likely be detrimental to wildlife resources in this area, restricting the state's ability to be proactive in wildlife management as well as the recovery of endangered species.

The language of this bill, including water rights, management of fish and wildlife and grazing is the same language as was supported by the State of Utah and Secretary Bruce Babbitt. If Mr. Babbitt was comfortable with the language, I hope my colleagues will see that as well.

There is an issue unique to the wilderness area in the Great Basin that does not necessarily apply elsewhere in the state, and that is the impact the wilderness designation may have on the Utah Test and Training Range. Overflight language has been included in other wilderness bills. Our language is very specific to the Pilot Range. The witnesses today will explain why we must have language specific to the UTTR that builds upon what we have done in this area. And like the Chairman—we both sit on the Armed Services Committee—this is critical to us, as we see all kinds of invasions into our test and training ranges.

Finally, I have read criticism regarding the release language included in the bill. This is not really a good criticism, because in fact, the wilderness release language has been a matter of public policy for years. Virtually every wilderness bill includes some kind of release language. Language almost identical to what we have in this bill was passed three times in the 106th Congress. One slight difference is a reference made to ending the 202 process, which is necessary because Utah is the only state to have undergone an additional reinventory under Section 202 of FLPMA.

The language in this bill reflects the agreement between Governor Leavitt and Secretary Babbitt last year to end the 202 process and bring closure to the wilderness debate on the West Desert. We intend to bring closure to the wilderness debate on the Pilot Range with the passage of this bill. Nothing will bind a future Congress from passing a law creating additional wilderness in the Pilot Range if it deems necessary, and these lands will not be put at risk by being released back to the BLM management plan. Instead, we designate wilderness in an area that was ignored by the original BLM inventory—and I want to make this point—and ignored by Congressman Owens and ignored by Congressman Hinchey, and I would hope that they understand that.

Members should note that this bill was introduced; the Automated Geographic Reference Center discovered a mapping error. The result is that the number of acres designated using the revised maps will come closer to 24,000 acres rather than the 37,000 acres designated in the bill as introduced.

I look forward to working with the BLM to prepare a map that accurately reflects these changes. This is a small step toward resolving a bigger issue, and we intend to do others. I may add, Mr. Chairman, that my brother-in-law, Dean Stevens, does have a ranch that is east of this area; has nothing to do with this area. He is a retired gentleman. He could not care less what we did, and he said—I will not quote what he said, but he is not too interested in this either way.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Hansen follows:]

Statement of The Honorable James V. Hansen, Chairman, Committee on Resources, on H.R. 2488

Chairman Hefley, I want to thank you for holding this hearing on H.R. 2488, the Pilot Range Wilderness bill. For more than 25 years, many of us have participated in the Utah wilderness debate in some way or another. The faces change from time to time, but the debate has continued. It is an emotional debate and one with no apparent end in sight.

There have been a dozen different attempts to solve the wilderness issue over the years, none of them successful. There have been incremental approaches put forward and comprehensive, state wide proposals introduced. The number of acres proposed as wilderness have ranged from 800,000 to 9.3 million. Along the way, we have seen National Conservation Areas proposed, and National Monuments created, BLM wilderness inventories and re-inventories, lawsuits and appeals. But unfortunately, we are not any closer to resolving the Utah wilderness issue today than we were 25 years ago.

Three years ago, Governor Leavitt proposed using an incremental approach. Rather than arguing over nine million verses two million acres, we tried to narrow the discussion down to a much smaller scale and ultimately, we were very, very close to reaching agreement last year. We learned a valuable lesson during those discussions. We found that it was possible to reach agreement when the focus of the debate was narrowed. When we concentrate on one specific area, and negotiate boundaries and specific management language appropriate to the area we can address the problems with a minimal amount of rhetoric. It is a labor-intensive and time-consuming process, but if it moves the debate forward, I am willing to invest that time.

With that lesson in mind, I introduced the Pilot Range Wilderness bill. The Pilot range was not inventoried during the original 603 wilderness reviews due to its checkerboard private and public land patterns at the time. However, through a series of land exchanges conducted in the 1990's BLM acquired most of the railroad lands and state trust lands in the unit and subsequently, it was included as part of the Babbitt re-inventory two years ago. The Pilot Range offers an opportunity to discuss wilderness values while focusing on a specific unit only.

We have made an effort to take in the most reasonable boundaries, excluding the human intrusion as much as possible. We have cherry stemmed the same roads as in the Babbitt re-inventory. While wilderness advocates will claim today that we have "excluded half the wilderness in this area" my colleagues should know that this bill includes 100 percent more wilderness acres than did H.R. 1500, the bill supported by Mr. Hinchey and the Southern Utah Wilderness Alliance just two years ago. The simple fact is this. Until two years ago, the Southern Utah Wilderness Alliance did not include the Pilot Range as part of its wilderness proposal. Today, we will hear about how absolutely precious these lands are. If that is the case, why were they not part of the SUWA 5.7 million acre proposal for so many years?

In reality, we have excluded area north of this range called the Bald Mountain area as did the Mr. Hinchey just two years ago, as did Secretary Babbitt when he conducted the BLM re-inventory. I am interested as to why communication towers, mines, roads, fences now qualify as wilderness in 2001 when they clearly didn't two years ago.

Water resources within the wilderness boundaries that we have drawn are minimal. We intentionally have drawn boundaries around two streams specifically because keeping these streams in the wilderness would impair the ability of the Division of Wildlife Resources and BLM to manage the threatened Lahotan Trout habitat. Contrary to what some might say, wilderness designation is not a panacea for wildlife. In this case would likely be detrimental to wildlife resources in this area,

restricting the state's ability to be proactive in wildlife management as well as the recovery of endangered species.

The language of the bill including water rights, management of fish and wildlife and grazing is the same language that was supported by the State of Utah and then-Secretary of Interior Bruce Babbitt last year. If Mr. Babbitt was comfortable with the language, I would hope my colleagues would be as well.

There is an issue unique to the wilderness areas in the Great Basin that does not necessarily apply elsewhere in the state and that is the impact that wilderness designation might have on the Utah Test and Training Range. Overflight language has been included in other wilderness bills. Our language is very specific to the Pilot Range. The witnesses today will explain why we must have language specific to the UTTR that builds upon what we have done in other areas.

Finally, I have read criticism regarding the release language included in the bill. Opponents wail that this language is unprecedented. They are absolutely wrong about that and do a disservice to their constituency with their claims. In fact, wilderness release language has been a matter of public law for years, virtually every wilderness bill includes some type of release language. Language almost identical to what we have in this bill was passed three times in the 106th Congress alone. One slight difference is a reference made to ending the 202 process which is necessary because Utah is the only state to have undergone an additional re-inventory under Section 202 of FLPMA. The language in this bill reflects the agreement between Governor Leavitt and Secretary Babbitt last year to end the 202 process and bring closure to the wilderness debate in the west desert. We intend to bring closure to the wilderness debate in the Pilot Range with the passage of this bill.

Nothing will bind a future Congress from passing a law creating additional wilderness in the Pilot Range if it deems necessary and these lands will not be put at risk by being released back into the BLM management plan. Instead, we designate wilderness in an area that was ignored by the original BLM inventory as well as Congressman Owens and Hinchey.

Members should know that since the bill was introduced, the Automated Geographic Reference Center discovered a mapping error. The result is that the number of acres designated using the revised maps will come in closer to 24,000 acres rather than the 37,000 acres designated in the bill as introduced. I look forward to working with BLM to prepare a map that accurately reflects these changes.

This is a small bill that is a small step towards resolving a much bigger issue. But we must begin somewhere. I hope the members of the Subcommittee will join me in this effort to begin to resolve the Utah wilderness debate one area at a time.

[A resolution from the Box Elder County Commission submitted for the record by Mr. Hansen follows:]

Resolution # 01-12

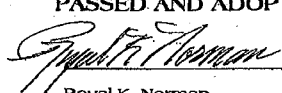
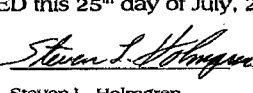
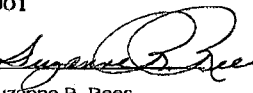
**A RESOLUTION OF THE BOX ELDER COUNTY COMMISSION SUPPORTING
H.R. 2488, THE WILDERNESS DESIGNATION FOR THE AREA KNOWN AS
THE PILOT RANGE LOCATED IN WESTERN BOX ELDER COUNTY.**


- WHEREAS,** the Box Elder County Commission has an interest in protecting the health, safety, and general welfare of the people of Box Elder County, through the preservation and protection of the environment, natural resources and protection of individual property rights; and
- WHEREAS,** preservation and protection of the environment and natural resources is vital the economic stability of Box Elder County; and
- WHEREAS,** the County Commission has worked closely with U.S. Representative James V. Hansen in creating the "Pilot Range Wilderness" area and in working to resolve this critical issue that preserves the county's natural resources; and
- WHEREAS,** this legislation is consistent with Box Elder County's General Plan and other county laws and policies that strive to preserve the quality of life, environmental quality and economic stability of the county; and
- WHEREAS,** H.R. 2488 has been extensively reviewed by the following agencies of Box Elder County: Planning and Development, Economic Development, Housing, Tourism and the Box Elder County Commission. This review has validated H.R. 2488 as technically sound, and will address the critical "wilderness issue" that has been debated in Utah for more than twenty years.

NOW, THEREFORE BE IT RESOLVED, that the Box Elder County Commission supports H.R. 2488 and Chairman Hansen's efforts to establish the "Pilot Range Wilderness" area, and implementation of such;

BE IT FURTHER RESOLVED, that the County Commission urges the United States Congress to support and approve H.R. 2488.

PASSED AND ADOPTED this 25th day of July, 2001

		
Royal K. Norman, Chairman	Steven L. Holmgren, Commissioner	Suzanne R. Rees, Commissioner

ATTEST: 
LuAnn Adams, Recorder/Clerk

Mr. HEFLEY. Okay; we do have a vote on. I think it is a single vote. I think maybe this would be a good time to break and recess long enough to go over and do the vote and then come back and hear our witnesses. So the Committee stands in recess.

[Recess.]

Mr. HEFLEY. The Committee will come back to order.

Mr. Fulton?

**STATEMENT OF TOM FULTON, DEPUTY ASSISTANT
SECRETARY FOR LAND AND MINERALS MANAGEMENT, U.S.
DEPARTMENT OF THE INTERIOR**

Mr. FULTON. Thank you, Mr. Chairman. The Department of the Interior supports H.R. 2488 which, as introduced, designates over 37,000 acres of land in Western Utah as wilderness. We would like the opportunity to work with the Committee on clarifying and technical amendments to the legislation before the Committee completes its consideration of the bill. The proposed Pilot Range Wilderness Area lies in Box Elder County, Utah, located approximately 115 miles northwest of Salt Lake City, along the Utah and Nevada state line.

The Pilots are a north-south trending mountain range with canyons training east to a large alkali flat and west to a broad valley that extends into Nevada. The Pilot Range meets the scenic and natural resource values required of the Wilderness Act. The Pilot Range was not included as a wilderness study area in the Bureau of Land Management wilderness inventory completed in 1980. The checkerboard ownership pattern of the lands did not originally lend itself to that designation.

However, between 1989 and 1993, the BLM concluded a series of land exchanges with willing private landowners that consolidated public ownership in the Pilot Range. Last fall, Congress passed the Utah West Desert Land Exchange Act, which exchanged over 200,000 acres of state and Federal lands. Included in that exchange were 3,600 acres of state land within the Pilot Range.

With that acquisition, the area proposed for wilderness in this bill contains no state in-holdings. We would like the opportunity to work with the Committee to make technical corrections or clarify a number of provisions in the bill; for example, the current language in Section 2(b) regarding incorporating acquired private lands into the proposed wilderness should be modified to clarify that only acquired private lands with wilderness character would be added to the Pilot Range Wilderness.

It is also our understanding that the Chairman may be proposing some modifications to the acreage of the wilderness area, and we would like the opportunity to work with the Committee on those changes. In 1998, the Box Elder County Commission developed an access road management plan. This plan is a product of recommendations. The plan was sponsored by Box Elder County with the benefit of public review, including input from BLM. The BLM then adopted this through a Federal Register notice.

We would also like to work with the Committee on Section 2(f) of the bill regarding protection of military needs on the nearby Utah Test and Training Range and Dugway Proving Ground. We are in complete agreement on the importance of the mission of

these military bases. We would like to consider expanding the scope of the proposed MOU to include all aspects of military use in the proposed Pilot Range Wilderness, including placement of and access to communications and tracking systems.

In addition, we would like to work with the Committee to incorporate provisions into the bill to ensure the protection of a particular species of cutthroat trout currently listed as threatened under the Endangered Species Act.

Thank you for the opportunity to testify in support of H.R. 2488, and I would be pleased to answer any questions the Committee might ask.

[The prepared statement of Mr. Fulton follows:]

Statement of Tom Fulton, Deputy Assistant Secretary, Land and Minerals Management, U.S. Department of the Interior, on H.R. 2488

Thank you for the opportunity to testify regarding H.R. 2488. The Department appreciates Chairman Hansen's efforts in continuing to address wilderness in Utah. The Department of the Interior supports H.R. 2488, which designates over 37,000 acres of land in western Utah as wilderness. We would like the opportunity to work with the Committee on clarifying and technical amendments to the legislation before the Committee completes its consideration of this bill.

The proposed Pilot Range Wilderness Area lies in Box Elder County, Utah. Rising to over 10,761 feet, Pilot Peak served as a beacon for travelers headed to California in the 1840s and, for some, a beacon of false hope. Travelers who had completed the hot, dry trek across the Great Salt Lake Desert found water in the springs along the eastern base of the range.

Located approximately 115 miles northwest of Salt Lake City, along the Utah and Nevada state line, the Pilots are a north-south trending mountain range, with canyons draining east to a large alkali flat, and west to a broad valley that extends into Nevada. The rugged terrain (ridges, side canyons and valley bottoms) meets the requirements of the Wilderness Act. Diverse vegetation complements the topography by providing screening from human activity. Opportunities for hunting, camping, hiking, and photography are outstanding. Horseback riding and pack trips are abundant throughout the area.

The Pilot Range also meets the scenic and natural resource values required in the Wilderness Act. Elk, bighorn sheep, and deer roam throughout, and the threatened Lahontan cutthroat trout are present in Bettridge Creek in the southern part of the proposed wilderness.

The Pilot Range was not included as a Wilderness Study Area (WSA) in the Bureau of Land Management's (BLM's) wilderness inventory completed in 1980. The checkerboard ownership pattern of the lands did not originally lend itself to that designation. However, between 1989 and 1993, the BLM concluded a series of land exchanges with willing private landowners that consolidated public ownership in the Pilot Range. A subsequent BLM wilderness inventory, concluded in 1999, found the area to have significant wilderness characteristics.

Last fall, Congress passed the Utah West Desert Land Exchange Act (Public Law 106-301), which exchanged over 200,000 acres of state and federal lands. Included in that exchange were 3,600 acres of State land within the Pilot Range. With that acquisition, the area proposed for wilderness in this bill contains no state inholdings.

We would like the opportunity to work with the Committee to make technical corrections or clarify a number of provisions in the bill. For example, the current language in section 2(b) regarding incorporating acquired private lands into the proposed Wilderness should be modified to clarify that only acquired private lands with wilderness character would be added to the Pilot Range Wilderness.

Section 1(a) of the bill specifies a map of the wilderness area. We would like the opportunity to work with Chairman Hansen on that map before H.R. 2488 is reported out of Committee. It is also our understanding that the Chairman may be proposing some modifications to the acreage of the wilderness area and we would like the opportunity to work with the Committee on those changes.

In July 1998, the Box Elder County Commission developed an access road management plan. This plan is a product of recommendations made by a team sponsored by Box Elder County with the benefit of public review, including input from BLM. The BLM then adopted this ordinance through a Federal Register notice. We would

like the opportunity to work with the Committee to ensure that the map is consistent with the county's road management plan.

We would also like to work with the Committee on section 2(f) of the bill regarding protection of military needs on the nearby Utah Test and Training Range and Dugway Proving Ground. We are in complete agreement on the importance of the mission of these military bases. The language of section 2(f) of this bill must adequately provide for military interests while protecting the wilderness resources and BLM's management of the wilderness area. For example, we would like to consider expanding the scope of the proposed memorandum of understanding (MOU) to include all aspects of military use in the proposed Pilot Range Wilderness, including placement of and access to communications and tracking systems.

In addition, we would like to work with the Committee to incorporate provisions into the bill to ensure the protection of the Lahontan cutthroat trout (listed as "threatened" under the Endangered Species Act) and its habitat. Also, because Public Law 106-65 (October 5, 1999) prohibits land use planning on BLM lands within the Utah Test and Training Range, we would like to work with the Committee to add language to clarify Congressional direction in this matter.

Finally, the reference to section 4(d)(7) of the Wilderness Act in section 2(c) of this bill should be to section 4(d)(8) of the Wilderness Act.

Thank you for the opportunity to testify in support of H.R. 2488, I am pleased to answer any questions that the Committee may have.

Mr. HEFLEY. Thank you, Mr. Fulton.

Colonel Tom Larkin, who is the director of the Utah Test and Training Range for the United States Air Force. Colonel Larkin?

STATEMENT OF COLONEL TOM LARKIN, DIRECTOR, UTAH TEST AND TRAINING RANGE, UNITED STATES AIR FORCE

Colonel LARKIN. Thank you, sir.

Mr. Chairman, members of the Committee, thank you and good afternoon. We also thank you for the chance for early coordination on this bill and the chance to talk about the impacts of this bill on the Air Force Utah Test and Training Range, commonly known as the U-T-T-R or UTTR. As the 388th Fighter Wing range director, my organization provides operational oversight of the UTTR. I will begin by saying that maintaining continued access to the UTTR is absolutely vital to the Department of Defense, our civilian test customers, and we take our stewardship responsibility seriously as we weigh our military priorities with environmental concerns.

The mission of the UTTR is to train warriors and test weapons, and the UTTR is the primary training range for the 388th Fighter Wing and the 419th Fighter Wing, stationed at Hill Air Force Base. Both of these wings, in the last 4 and a half years, have deployed to combat zones 12 times, and the 388th has recently deployed twice on counter-drug operations.

At the UTTR, we fly about 15,800 sorties every year. Of those, approximately 390 are test sorties; another 1,000 are large bomber sorties: B-1, B-2s, B-52 sorties. Another 2,500 are Navy and Marine sorties, and another 200 are allied air force sorties. Additionally, we conduct cruise missile testing, ground weapons testing, NASA support, industry testing as well as support to universities and high schools.

At the UTTR, we test about 99 percent of all the air-to-ground weapons in the U.S. inventory, which, simply stated, means that if we strap it to an airplane and use it to attack ground targets, we are testing it there at the UTTR.

My comments on the wilderness bill, H.R. 2488: this legislation ensures the proposed wilderness area does not adversely affect our ability to conduct realistic military training and testing operations. It is my opinion that military range operations and wilderness areas can be compatible. In this bill, it is of particular note that low-level overflight will not be restricted. Also critical is language allowing us to use and maintain current on-the-ground electronic systems as well as installation of required follow-on systems.

I must also emphasize the importance of the language concerning emergency access and/or control or restriction of public access. If an accident occurs on the range, it is vital that we have immediate access and authority to control all access and to include the public to the area concerned without any requirement to gain approval from other agencies. This access is required to protect the lives of air crew; ensure the safety of the public and for the protection of classified materials and programs. A case in point: we have had an F-16 go down in the Fish Springs Wilderness Study Area, and we were able to recover that aircraft with only minor environmental impact.

My review of this proposed bill indicates no immediate impact to military or national security operations on the UTTR. However, additional language that would protect the interests of other national agencies and civilian research and test operations may be desirable in some form, perhaps an MOU.

In summary, training and reliable weapons give us the edge needed for victory. We must continue to train and test realistically. At the UTTR, providing one of the world's best test and training ranges while preserving the wilderness environment is, can and should be compatible. Of the 1.7 million acres of DOD land within the UTTR complex, less than 1 percent is developed for military operations, while the remaining 99 percent is maintained in a wildernesslike condition.

The condition of the UTTR is due in large part to the efforts of the United States Air Force and to protect this environment in accordance with public law. We protect this environment to guarantee our continued access to this range and because it is the right thing to do. I repeat: the access to the entire range is of vital importance to the Department of Defense, other national agencies and civilian institutions and industry.

At this time, I would like to go forward to the map and give you a quick visual overview of the range and answer any of your questions.

This range is truly a national treasure. I dropped my first live bombs on this range many years ago. It is a great place. It is unique also in that it is only about 45 miles to 70 miles away from our home base there, Hill Air Force Base. We do not have to expend much in the way of time and fuel to get to this range. It is about 92 miles across at the widest point; then, from the northern tip to the southern tail there, it is about 200 miles. The range is divided along Interstate I-80 at about the two-thirds part, and where the wilderness area sits, it is the intersection of three of the critical sub-airspaces: A, B and restricted area 6404 Charlie. And that is part of our land bridge between the two—I am sorry; air

bridge between the two ranges. We have a low altitude air bridge there.

When we test cruise missiles, we oftentimes fly them around down here; take them up this air bridge; use this mountainous terrain up here to test the full capabilities of the weapon and bring it back home to the range for impact.

Do you have any questions?

[The prepared statement of Colonel Larkin follows:]

**Statement of Colonel Thomas Larkin, Utah Test and Training Range,
U.S. Air Force, Hill Air Force Base, Utah,**

Mr. Chairman and members of the Committee, thank you for the opportunity to speak to you about the Utah Test and Training Range (UTTR) and the challenges we face in properly managing the associated range and airspace. I also appreciate the opportunity to discuss H.R. 2488 and specifically the proposed language that addresses the vital activities that take place on the UTTR. As the 388th Range Director, my organization provides key functions and capabilities required for support of Air Force operational test and training programs at the UTTR. This includes range infrastructure systems, equipment, software, targets, facilities, data processing and display, land and airspace, security, and safety.

I will begin by saying that maintaining continued access to our ranges and airspace is absolutely critical. In fact, if our ability to train our aircrews continues to diminish, America will soon lose its only edge in air combat proficiency. We can no longer rely on current Air Force technology to provide an advantage against our next adversary—that next adversary already has access to more advanced equipment than ours. It is only our superior training that enables pilots to have the upper hand in air combat. Additionally, AF ranges accommodate important civilian industry aeronautical testing and provide for public use and natural and cultural resource protection. We take our stewardship responsibility seriously as we balance our training priorities with environmental concerns.

Background

The mission of UTTR is to train our warfighters and to safely test weapons that require large amounts of airspace and landmass. This range provides the largest overland safety footprint available in the Department of Defense (DoD) for aircrew training and weapons testing. By “footprint,” I mean a large land area that can safely accommodate weapons that may be fired dozens of miles away from a target. Of the total 12,574 square nautical miles comprising the Range, 6,010 are restricted airspace and 6,564 are Military Operating Areas (MOAs). The range supports training customers with capabilities for air-to-ground, air-to-air, and ground force exercises. This includes testing and training for allied forces, other national agencies, civilian industry, and civilian academic institutions.

UTTR is the primary training range for the pilots who fly the F-16 Fighting Falcon for the 388th Fighter Wing and the 419th Fighter Wing at Hill Air Force Base. Approximately 15,800 sorties are flown annually within the UTTR airspace. These 15,800 sorties include approximately 390 test sorties, 650 B-1B sorties, 380 B-52 sorties, 2,500 US Navy/Marine Corps sorties, and 200 allied air forces sorties. Additionally, we conduct Cruise Missile testing, ground weapons testing, NASA support, industry testing, as well as support to universities and high school research projects.

UTTR's capabilities are critical to the successful fielding of the weapons systems America will depend on to secure its future. Tomorrow's weapons will be more sophisticated and have greater ranges than the weapons of today. UTTR is ideally suited for testing and training of these advanced systems. Since we can't predict technology developments, we need to be able to use the capabilities of UTTR flexibly. The proposed bill provides UTTR the flexibility to successfully accomplish the mission today and tomorrow.

Comments on H.R. 2488

The Air Force supports the protection of wilderness and has many effective programs in place near our installation and training ranges with that goal in mind. Our experience with these programs shows that, if done correctly, military training and environmental preservation can be effectively accomplished. This proposed legislation ensures that designation of the Pilot Range Wilderness does not adversely affect our ability to conduct realistic training and testing operations. The proposed Wilderness bill is an excellent example that military range operations and wilderness areas can be compatible.

The proposed Wilderness area in the Pilot Range interfaces with three of the key UTTR sub-airspaces, the LUCIN A and B MOAs, and the 6404C Restricted Area. In FY-00 we flew 7780 sorties in these areas at varying altitudes from 100 feet AGL to 58,000 feet AGL. This airspace is vital to our operation on the northern portions of the UTTR and provide a critical air-bridge between the north and south parts of the range, which are divided along Interstate Highway 80 (I-80).

Key provisions of this legislation acknowledge the UTTR and Dugway Proving Ground as unique and irreplaceable national assets and that continued unrestricted access is a national security priority. We support the concept that designation of wilderness areas and testing and training missions are not incompatible. Understanding the Wilderness Act does not prohibit or restrict low-level overflights; H.R. 2488 recognizes that fact in the provision specifically noting that low-level overflight will not be restricted. Language allowing continued use and maintenance of on-the-ground electronic systems, as well as the installation of newly required systems, is also critical.

I must also emphasize the importance of Sec 2., Paragraphs (4) and (5) concerning emergency access and or control or restriction of public access. If an accident occurs during a military or civilian test it is imperative that we have immediate access and authority to control all public access to the areas concerned—without any requirement to gain approval from other agencies. This access is vital to protect the lives of aircrew, insure the safety of the public, and protect classified materials and programs. Case in point, we've had an F-16 go down in the Fish Springs Range—a Wilderness Study Area—and we were able to recover our aircraft with only minor environmental impacts.

Summary

Maintaining our edge in air combat is directly linked to robust training capabilities, capabilities inherent in continued access to AF ranges and airspace. The AF recognizes the need to balance its test, training, and readiness requirements with responsible stewardship. We continue to look to our installations, ranges, and airspace to provide the AF the operational flexibility, efficiency, and realism necessary to continuously enhance readiness while allowing commanders to minimize, to the extent possible, the impacts of their mission on the community and the environment. Providing one of the world's best training and test environments while preserving the wilderness experience can and should be compatible.

A newspaper article from the Ogden, Standard Examiner, July 6, 2001, identifies the UTTR as "one of the most pristine spots in the nation," according to Professor Neil West of Rangeland Resources, Utah State University.

Of the 1.7 million acres of DoD land within the UTTR complex, less than 1% is "developed" for military operations while the remaining 99% is maintained in a wilderness-like condition. The condition of the UTTR is due in large part to the time, efforts and resources expended by the United States Air Force to protect the environment in accordance with the laws of the United States, the State of Utah, and the State of Nevada. To date, Hill Air Force Base has spent approximately \$4.9 million on various environmental programs on the UTTR. Future expenditures of over \$15 million are estimated to ensure continued environmental protection. We protect this environment to guarantee effective combat testing and training and because it's the right thing to do.

Continued access to the entire Utah Test and Training Range is of vital importance to the Department of Defense, other national agencies and civilian institutions and industry. The future geopolitical environment remains uncertain, but one aspect continues to be critical for the success of the United States—we must strive to continue testing and training in our established military ranges while minimizing the impact of our operations on the surrounding environment. With the advent of future airpower weapons systems requiring sufficient airspace to train in, the UTTR, along with our other military ranges, must be preserved in their entirety. Your kind consideration of these comments and your efforts to protect the UTTR as a national treasure are deeply appreciated.

Mr. HEFLEY. Thank you.

Mrs. Christensen?

Mrs. CHRISTENSEN. Well, I think most of my questions probably would go to Mr. Fulton.

Mr. HEFLEY. Okay.

Mrs. CHRISTENSEN. The first question, Mr. Fulton: your testimony states that the administration support for a 37,000-acre

wilderness, but it is our understanding that we are only asking to designate or the sponsor is asking to designate 22,000 acres, and the map that is being prepared reflects the 22,000 acre figure. Does the administration support the designation of only 22,000? Yes or—

Mr. FULTON. Yes; the answer is yes.

Mrs. CHRISTENSEN. And the 22,000-acre wilderness would exclude significant lands that have wilderness characteristics in the Pilot Range. Would your analysis of H.R. 2488 not be different if you used the 22,000-acre figure that the sponsor intends for the area?

Mr. FULTON. No; I do not think so. While it is true that the Pilot Range has more than 22,000 acres of land that has wilderness characteristics, it is not the Department of the Interior that makes the wilderness designation. That is a factor done by the Congress, and the administration would support the bill as proposed to be amended to the 22,000-acre number.

Mrs. CHRISTENSEN. Even though there are some areas of particular concern right at the border, the boundary of that wilderness and that that area of particular concern—I think it is an area of particular concern—would not be included in that area?

Mr. FULTON. Well, we would anticipate working with the author of the bill and others to arrive at a management plan that provides the wilderness designation for the 22,000 acres and then, in the resource management plan for the additional acres, those acres would be managed under a different regime.

Mrs. CHRISTENSEN. I see; thank you.

And I wanted to ask you, too, Mr. Fulton, a question about the military. Last Congress, Former Secretary Babbitt personally testified that military use language identical to that found in 2488 was an unprecedented intrusion and destruction of wilderness. That is a quote: "The unprecedented intrusion and destruction of wilderness," and gives the Air Force more control over BLM public lands than they currently have. Why should we or why would we support permitting the military to have this amount of control over the area as wilderness more so than it has over other, regular public lands?

Mr. FULTON. We do not see this as a matter of control but rather as partnering up with an important mission of a sister department, the Department of Defense; the criticality of being able to accomplish the defense mission for the country is one that is important. Since the Department of the Interior controls—the Bureau of Land Management controls nearly one in four acres of land in the United States, it is just very important that the two departments work closely together to make sure that both accomplish their missions.

Mrs. CHRISTENSEN. I still have some questions in my own mind about it, and, you know, we have had several discussions, maybe more outside of this Committee, about the readiness of our armed forces, which I fully support the need for exercises and for our military to be properly trained for the missions that we may need them to go to to defend us and the rest of the country, so I am not in any way wanting to interfere with that, but I am just questioning whether that is compatible with wilderness.

Mr. FULTON. I do not think that that compatibility is exclusive. Some of the best areas of wilderness or nondevelopment assets are

within our military bases, so we do not find that a military use of a land area would make that automatically not useful as wilderness.

Mrs. CHRISTENSEN. I do not have any other questions at this time.

Mr. HEFLEY. Mr. Hansen?

Mr. HANSEN. Thank you, Mr. Chairman.

Mr. Fulton, does the Secretary support the language in the bill regarding grazing rights, water rights and wildlife management?

Mr. FULTON. Yes, sir, she does.

Mr. HANSEN. Is BLM's current ACEC designation providing adequate protection for wildlife management?

Mr. FULTON. Does she support that?

Mr. HANSEN. Yes.

Mr. FULTON. Yes; we would anticipate working closely with state fish and game officials as well as the Fish and Wildlife Service to make sure that fish and game animals are adequately protected.

Mr. HANSEN. Mr. Fulton, in 1964, when the bill was passed, a lot of phrases were used. One was considered what is pure wilderness. And Senator Humphrey commented on that on the Senate side. Of course, he made the statement: he said the very most wilderness there could ever imagine in the United States, Alaska and Hawaii, would be 30 million acres. Alaska has got over 100 million acres all by itself and going up.

Anyway, that pure thing came down to the idea of no roads; is that right?

Mr. FULTON. Yes, sir.

Mr. HANSEN. No structures.

Mr. FULTON. Yes, sir.

Mr. HANSEN. No buildings, no cattle ponds, no roads; he mentioned that; no fences. That is the pure definition, is it not?

Mr. FULTON. Yes, sir.

Mr. HANSEN. So those who tout the idea of pure wilderness would kind of agree with that; would you agree with that?

Mr. FULTON. Yes.

Mr. HANSEN. So some of the things have wilderness characteristics but have those things in them.

Mr. FULTON. Yes, sir.

Mr. HANSEN. And so, really, whether it is BLM, Forest Service or Park Service, you will find that sometimes, Congress does what they very well want to do. I mean, we could put New York City in wilderness if it had enough votes.

Mr. FULTON. It is certainly the prerogative of the Congress.

Mr. HANSEN. We would hope that would not happen. Sometimes, the idea really appeals to me, however.

[Laughter.]

Mr. HANSEN. But carrying that on, you get down to the point of, well, what is pure wilderness? Now, do you not feel that it is the position of Congress to try their very best to follow their own law?

Mr. FULTON. Yes, sir.

Mr. HANSEN. And is that not the position of the Secretary and you folks working at Interior, you folks who wear the uniform, to follow the law of the land?

Mr. FULTON. Yes, sir.

Mr. HANSEN. I figured it was.

Colonel, let me ask you a question about a question my friend Mr. Young made in a recent email. He referred to the language protecting the UTTR as the worst part of the bill. In addition, in his testimony, he states: "Members of Congress should recognize Section 2(f) for what it is: an antiwilderness initiative that is unnecessary; erodes the authority of the Department of the Interior and unnecessarily restricts individual freedom that is not restricted on other public and private lands far closer to Hill Air Force Bombing and Gunnery Range."

Now, do you agree with that?

Colonel LARKIN. No, sir, I do not. If we look at the entire range there, and there are quite a few wilderness study areas inside the range on BLM properties; we overfly wilderness study areas and, on other ranges, wilderness areas all the time. This is not something new or different.

Thank you.

Mr. HANSEN. So in your opinion, it is very necessary that this language in this bill is in there to protect the work that you folks do; is that right?

Colonel LARKIN. Yes, sir; low-level flying and all types of overflight over the wilderness area is of vital importance to us. We have to be able to not only test the weapons capability from the very lowest altitudes that it can operate at and be employed at; also, the very highest. Also, we need to be able to train our air crews to employ that weapon or different types of weapons in all sorts of environments.

Mr. HANSEN. I had the privilege of flying in one of your F-16-B models in the back seat there. I have never been so sick in my life but anyway—

[Laughter.]

Mr. HANSEN. —let me point out that we got pretty low. How low do you go in those things? I thought we were dragging our wheels to the grass when we were there.

Colonel LARKIN. The illusion of speed; sometimes, it can get pretty low, though. And most of the time, it is to the limits of the training of the pilot, but that can vary from anywhere on high-speed aircraft from about 100 feet to no higher than, you know, 500 feet is what we would call low altitude. But helicopters can fly 10 feet from the earth at 100 knots and do so all the time.

Mr. HANSEN. If we took the suggestion of some of the environmental groups regarding overflights of wilderness, parks and other pristine areas, what would that do to the training? That is unfair, because I did not explain what some of their language is, and it varies, but a lot of these folks just do not want any overflights. In fact, we had a lady on this Committee by the name of Sala Burton who put in a bill at one time that said you could not fly over any national parks at any altitude.

Colonel LARKIN. I think you would tie up a lot of airways that we would have a lot of bottlenecks.

Mr. HANSEN. 379 units of the Park Service would—I would hate to be an airline pilot. I do not know how you could make it from the East Coast to the West Coast.

Colonel LARKIN. Right.

Mr. HANSEN. And I do not know how the Air Force could even fly.

Colonel LARKIN. Well, if we just look at this training range and try to make our overflights, we would be unable to. To my understanding, there is basically 100 million acres worth of this type of property, and we overfly approximately 10 million of that right now without impact.

Mr. HANSEN. Does the Air Force know of any studies where you feel it would be detrimental to wildlife?

Colonel LARKIN. No, sir, I do not. I do not know if the Air Force does. I can take that back for the record.

Mr. HANSEN. What about to domestic animals: cows, sheep, goats?

Colonel LARKIN. Again, I am not aware of any of those studies. I know studies have been done, but I do not know them off the top of my head, sir.

Mr. HANSEN. I thank you.

Thank you, Mr. Chairman.

Mr. HEFLEY. Thank you, both of you, for your testimony today.

Mr. HEFLEY. We will go to the next panel: Mr. John Harja, manager of legal analysis for the Governor's Office of Planning and Budget in the State of Utah; Mr. Larry Young, executive director of Southern Utah Wilderness Alliance.

Mr. Harja, do you want to start?

**STATEMENT OF JOHN HARJA, MANAGER OF LEGAL ANALYSIS,
GOVERNOR'S OFFICE OF PLANNING AND BUDGET, STATE OF
UTAH**

Mr. HARJA. I would be happy to.

Thank you, Mr. Chairman, for the opportunity to talk today about H.R. 2488. To get started, I would like to explain a little bit about a discrepancy involving some acreage. Mr. Hansen had asked the state to put together a map and calculate the acreage for this area that he proposed. This same area had been the subject of a study by the State of Utah in the previous administration, Mr. Babbitt, and that proposal had included 37,000 acres. That was a proposal; it was no more than that, and it came to the Congress, and it underwent some scrutiny and ultimately did not proceed.

However, as part of that proposal, Mr. Hansen indicated that he would like to propose some changes. The result of all of that was a little SNAFU where we got the wrong map and, in fact, we should have told him originally that 23,000 acres were included in his proposal, which is what is shown on that map to my left. That is the reason there was a discrepancy. It was a SNAFU by the State of Utah, and Mr. Hansen, we take responsibility for that.

The state would support wilderness in this area if our concerns are met, and those concerns concern water rights, wildlife rights and who manages wildlife, the Air Force as was just discussed, discontinuing the planning process for the area, no buffer zones, continuation of grazing rights, and assorted other goodies.

We spent a fair amount of time, we being the State of Utah and the Department of the Interior under the previous administration spent a fair amount of time out in this area. We looked at the mountain range; we looked at the lands nearby. We looked at

manageable boundaries; we looked at who owns the land. You will see a lot of white on that map. That is privately-owned land. We actually looked into the State of Nevada at Pilot Peak itself, which is the highest point of the range.

And it would certainly make sense to include Pilot Peak, but it is in the State of Nevada, and it is our position that the Governor of Nevada should be proposing that. In addition, the land is still the checkerboard that you can see on that map. The checkerboard was caused by the transcontinental railroad grant. It was the reason that Pilot Range was not included in the first round of BLM. BLM acquired all of the land inside the Utah portion but has not acquired in Nevada, and so, you have got the checkerboard problem there.

But more importantly, in Utah, I would like to spend a little time talking about water and wildlife. Water is allocated out of the Pilot Range. This is an isolated range that rises from the basic 5,000-foot level of the Great Salt Lake up to about 10,000-plus. It is an isolated range surrounded by sagebrush. As Mother Nature intended, rain and snow falls on the mountain and then, in the spring, flows away. That water is diverted in springs, some of which are fairly high on the mountain, and brought by aqueduct and pipeline to various sources.

To the north, the water was originally, a long time ago, allocated to the railroad. It was used in the steam engines, and it is now allocated for wildlife and is used in the area of Lucen, Utah, for bird habitat for the migratory bird treaties of the United States of America. To the south, a lot of the water is diverted for endangered fish use; the lahonton cutthroat trout, I will talk about in a minute; and to the City of Wendover, which is apparently going to move, as I understand it, Mr. Hansen.

To the south, the lahonton cutthroat trout were proposed for and added to the threatened list. At the request of the Federal Government, our wildlife folks looked and, quote, found lahonton cutthroat trout in a pond in Donner Creek, which is at the southern end. Donner Creek is named after the Donner party, who moved through the area.

And they were moved to Bettridge Creek and another creek in the southern part of this area. They were not native to the area. They were found there; were probably put there by people, and they then were moved again. An ACEC has been put together, an area of critical environmental concern, to help manage that, and that is working very well.

There are some lahonton cutthroat trout in a pond at this private ranch that was mentioned, and those are kept there with permission and on purpose, and they are used to harvest eggs to try to recover the species.

In terms of wildlife folks, we have a number of concerns, the state. The state uses aircraft for a couple of purposes, and we go into this area with permission of the Air Force. They are used to count sheep, bighorn sheep, which have been reintroduced in the area. They are used to count deer and elk and such. They are also used to thin out the herds when necessary.

Fire is an important tool, either fire or vegetation manipulation. This area, when it burns, tends to open up. However, when it does

burn, it also introduces invasive species such as cheat grass, and that causes problems with sage grouse, an assumed to be at least a species that may be considered for listing, if I can get it right. We are also concerned about predators and access, predator control, that is.

In terms of water, this range does have its own water. It flows out. The State of Utah is concerned about language that would reserve water rights. The Department and the state did agree on the language that is in this bill. In relevant part, it is the same language that was in House Resolution 3035 last Congress.

The point is that the water rights are protected, and we do not need a reserved water right. The range will get the water it needs and does not need to have a reserved water right, and the State of Utah supports that. We also support the various appendices that are mentioned in terms of grazing and wildlife management. Those reports that are mentioned do allow all of the activities I have mentioned as long as they are compatible with wilderness, and the State of Utah is comfortable with that and believes it ought to be reaffirmed in this bill.

So with that, Mr. Chairman, I will answer questions.

[The prepared statement of Mr. Harja follows:]

Statement of John A. Harja, Manager of Legal Analysis, Governor's Office of Planning and Budget, State of Utah

Good afternoon, Mr. Chairman. Thank you for the opportunity to speak briefly about the provisions of H.R. 2488, a bill to designate certain lands in the Pilot Range in the State of Utah as wilderness.

The area proposed for designation is a desert mountain range in the Great Basin geographical region of Utah. The range culminates in a 10,000 plus foot peak which is visible for miles across the salt flats adjacent to the Great Salt Lake. The early pioneers traveling to California, including the Donner-Reed party, used the peak as a route marker, hence the name Pilot Peak. Pilot Peak itself is within the State of Nevada, but most of the range is in Utah. At the base of the range is a spring known as Donner Spring; a place where the Donner party stopped to refresh themselves after the hard crossing of the salt flats.

The state of Utah and the Department of the Interior negotiated and assembled a proposal for wilderness designation in the West Desert Region of Utah in 1999. The proposal included 17 different areas aggregating about one million acres of land up and down the western part of Utah. The Department and the State negotiated and dickered over the specific areas to be included in the proposal, and the boundaries of those areas. The two parties also discussed the terms of management for those areas, and reached agreement on some, but not all of those. The state of Utah fully supported the resulting package. That agreement was introduced into the Congress as H.R. 3035 in the 106th Congress, but ultimately did not receive approval.

One of the areas proposed for designation in the negotiated proposal was the Pilot Range. The state would again support a bill for the designation of the Pilot Range as wilderness, subject to the bill containing proper language concerning water rights, grazing rights, control and management of fish and wildlife, release of lands not designated, "no-buffer" zones, and, in this particular case, operations of the Air Force in the Utah Test and Training Range.

Normally, I would have included in the list of issues an exchange of the school trust lands within the boundaries of the areas designated as wilderness. However, subsequent to the agreement on the proposed wilderness package in 1999, the Department and the state negotiated an equal value exchange of the trust lands for other BLM lands. This proposed exchange was approved by the Congress, and became P.L. 106-301. I am therefore able to state that the current proposal to designate the Pilot Range as wilderness does not present the difficulty of school trust lands.

The state of Utah is vitally concerned about the effects of wilderness designation on the water allocation process and water rights. Decisions about water rights and allocation are rights reserved by the states, and properly so allocated by federal law. The area proposed for wilderness is a high mountain range rising steeply out of the

flat desert and sage lands immediately around it. That water which flows out of the mountains is allocated to, and diverted for, various uses outside the proposed boundaries, including an allocation to the town of Wendover south of the range. Within the proposed boundaries, the range naturally receives the snow and rainfall necessary for the ecosystem to function. Those natural processes would remain unaffected by the designation of the area as wilderness. The Department and the state recognized this unalterable fact in 1999, and therefore agreed upon the water language in H.R. 3035, which language is duplicated in relevant part in H.R. 2488. The state of Utah supports the water language in Section 2 (h) of H.R. 2488 as drafted.

Similarly, the management of fish and wildlife will remain with the state in the proposed wilderness area. The state manages for many purposes, including the protection of species which may be declining in numbers, and may become candidates for listing under the Endangered Species Act. The state needs to be able to be proactive with its management, and be able to manage in a cost-effective manner. This may require aircraft overflights to count herd size, vegetation alteration through prescribed fires, noxious weed treatments in order to encourage native plant growth, reintroduction of animals such as bighorn sheep, or management of cutthroat trout in the streams coming from the mountains. These management techniques can be accomplished "in a manner compatible with the wilderness environment," as provided in the original wilderness act. Appendix B of the Report to the Committee on Interior and Insular Affairs to accompany H.R. 2750 of the One Hundred First Congress (H. Rept. 101-405) presents further guidance on how fish and wildlife management can be accomplished in a manner compatible with wilderness, and the state of Utah supports the reaffirmation of these principles at this time. The Department and the state agreed to the language on this issue in H.R. 3035, which language is used again in H.R. 2488. The state of Utah supports the language contained in Sections 2(c) and 2(e) of H.R. 2488.

The state of Utah supports the continued use of the land within the wilderness areas by those ranchers who have grazing rights in the area. This is a use specifically authorized by law. House Report 101-405, Appendix A, and section 101(f) of Public Law 101-628 contain further guidance on grazing in wilderness areas, and the state supports reaffirmation of those important principles at this time. The Department and the state agreed to the language in H.R. 3035, which is identical to the language in section 2(g) of H.R. 2488. The state supports the language contained in section 2(g) of H.R. 2488.

The state and the Department entered into the negotiations about a wilderness proposal for the western regions of Utah in order to reach some finality on the issue. Areas which met the criteria for wilderness designation, and which added substantially to the wilderness system were proposed for designation. Other areas, which may have had important functions for the economy, wildlife protection needs, or did not add significantly to the wilderness system were not put forward. One of the major points of the negotiation was the reaffirmation of areas not proposed for designation as multiple-use lands. The state notes that the Pilot Range was not found suitable for protection under section 603(c) of the Federal Land Policy and Management Act of 1976, largely because of the great amount of private land in the range caused by the checkerboard pattern of the transcontinental railroad grant. In the interim between the final statewide recommendation of the Bureau of Land Management for wilderness in Utah, and the 1999 negotiations, the Bureau acquired the private land within the boundaries proposed in the current bill. Therefore, although the land in the Pilot Range was never designated as a section 603(c) "wilderness study area," the area was studied pursuant to the provisions of section 603(c). The area is currently a candidate for study under the process identified by the Federal Register notice of March 18, 1999, although the study process has been placed on hold in the area awaiting the results of an Air Force study. The Department and the state agreed to a cessation of further study of the issue in the H.R. 3035 negotiations, and the current language reflects that agreement. The state of Utah supports the language in Section 3 of H.R. 2488.

The state of Utah also strongly supports the language in Section 4 of H.R. 2488. Many activities occur near the Pilot Range, including an interstate freeway, transcontinental railroad and activities of the military. These activities must be allowed to continue, and the "no-buffer zone" language of H.R. 2488 is designed to insure this is the case.

The state is also very concerned about the effect of wilderness designation upon the activities of the Air Force in the Utah Test and Training Range. The state was adamant in the negotiations concerning the West Desert proposal that wilderness not have an impact on the operations of the Air Force in the UTTR. The UTTR is critical to the operation of Hill Air Force base, and the base is a crucial component

of Utah's economy; one of the largest single employers in the state. I will defer to the Air Force to state its specific requirements for bill language necessary to insure this result.

Thank you again Mr. Chairman for the opportunity to speak. The state looks forward to working with the Committee as the bill moves forward.

Mr. HEFLEY. Mr. Young?

**STATEMENT OF LARRY YOUNG, EXECUTIVE DIRECTOR,
SOUTHERN UTAH WILDERNESS ALLIANCE**

Mr. YOUNG. Mr. Chairman, members of the Subcommittee, my name is Larry Young. I am a native Utahn and executive director of the Southern Utah Wilderness Alliance. I greatly appreciate the opportunity to meet with you today to express our organization's views on H.R. 2488.

I have already submitted written testimony on behalf of the Southern Utah Wilderness Alliance and the Wilderness Society. We in Utah and others across the country support protection of our last remaining wild places in overwhelming numbers. We firmly believe that America's Red Rock Wilderness Act, now sponsored by more than 150 Members of Congress, is the wisest course to adopt with respect to resolving the ongoing debate about how much wilderness to designate in Utah.

Unfortunately, H.R. 2488 does not share this vision. Nonetheless, we would support H.R. 2488 if it protected all lands in the Pilot Range that are included in America's Red Rock Wilderness Act and if it included clean management language. H.R. 2488 fails on both counts.

For example, it would protect less than half of the remaining wilderness within the Pilot Range in Utah. When H.R. 2488 was introduced on July 12, it proposed to designate 37,000 acres of wilderness, but it already has been rolled back from this truncated wilderness proposal to the current inadequate 22,000 to 24,000 acres, even though Representative Hansen introduced last year a 37,000-acre Pilot Range Wilderness as part of H.R. 3035.

Yet now, Members of Congress are being asked to eliminate some 15,000 acres of wilderness and to make an unprecedented Congressional finding that these lands previously proposed as wilderness by the bill's sponsor and identified by the BLM as having wilderness characteristics are nonsuitable for wilderness designation.

This nonsuitability language goes far beyond anything Congress has ever before enacted into law. It is hard release language that seeks to halt the wilderness study planning process that is currently underway, and it seeks to blacklist deserving wild lands from future wilderness designation. It goes on to release wilderness study areas established under authority of Section 603(c) of FLPMA, even though there are no wilderness study areas in the Pilot Range. The inclusion of language in H.R. 2488 referring to nonexistent WSAs illustrates the sponsor's intent to use it as a template for future bills that would compromise genuine wilderness protection.

We also have serious concerns with the military use language in Section 2(f). To date, Congress has passed more than 100 wilderness bills. All but two have been silent with respect to military use. The two that included language related to military use: the Arizona

Desert Wilderness Act and the California Desert Protection Act, did not include language such as that proposed here. Specifically, H.R. 2488 contains unprecedented language eliminating existing BLM authority to manage land under its control. It allows the Department of Defense to unilaterally install and maintain new buildings, equipment and temporary roads lasting up to 50 years inside wilderness areas. It allows unrestricted perpetual motorized access to wilderness areas, and it grants the military control over citizen access to wilderness areas.

None of this has ever before been granted to the Department of Defense in designated wilderness. We would not be opposed to bill language that protected military training needs related to the proposed Pilot Range Wilderness if they were based on language similar to the Arizona Desert Wilderness Act and the California Wilderness Desert Protection Act.

However, the unnecessary practical effect of Section 2(f) in its entirety is to cede authority to manage public lands covered by this bill to the Department of Defense. In fact, the Department of Defense is given far greater control of proposed BLM wilderness in the Pilot Range than it has over ordinary BLM lands, even those BLM lands directly adjacent to the Hill Air Force Range some 20 miles to the east of Pilot Range.

Because H.R. 2488 is intended to serve as a template for a series of county-level wilderness bills throughout Utah, Congress must decide if it is willing to pass a series of bills that leave out large tracts of qualifying wilderness, permanently bar these deserving lands from protection as wilderness, reify unacceptable management language and leave the issue of wilderness protection in Utah unresolved and more contentious than ever.

For all these reasons, the implications of this bill extend far beyond the Pilot Range itself. Again, we cannot support H.R. 2488 as it is currently written. We recommend that an additional 27,000 acres in the Pilot Range be added to the bill and designated as wilderness and that the unprecedented harmful language be replaced by standard military overflight and equipment maintenance language, standard water language and standard release language or no release language at all.

Unless these and other changes discussed in our written testimony are made, we urge you to reject H.R. 2488.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Young follows:]

Statement of Larry Young, Executive Director, Southern Utah Wilderness Alliance, on Behalf of The Southern Utah Wilderness Alliance and The Wilderness Society, on H.R. 2488

Mr. Chairman, members of the Subcommittee on National Parks, Recreation, and Public Lands, we are pleased to have been invited today to present this testimony regarding H.R. 2488 on behalf of the Southern Utah Wilderness Alliance and our 18,000 members in Utah and across the nation. The Southern Utah Wilderness Alliance was formed in 1983 as an advocacy and educational organization dedicated to the goal of protecting the public's unique and irreplaceable landscapes in Utah for future generations of Americans. The lands of most concern to our members are those administered by the Bureau of Land Management, an agency which holds in public trust more than 23 million acres land in Utah, predominantly in southeastern and western Utah. These lands, the spectacular mesas of sinuous canyons, the sandstone spires and graceful arches, the isolated desert mountains that rise like islands out of the sagebrush sea basins, are gems of unparalleled magnificence owned by

all Americans. What remains of these treasures in their national condition, unaffected by development, should be placed into the National Wilderness Preservation System, thereby maintaining a lasting legacy of protected land.

Concurring in our testimony today is The Wilderness Society, an organization of 200,000 members nationwide, founded in 1935 and dedicated to ensuring that future generations will enjoy the clean air and water, wildlife, beauty and opportunities for recreation and renewal that pristine forests, rivers, deserts, and mountains provide.

"In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States" leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." Such was the intent of Congress in enacting the Wilderness Act of 1964.

To the chagrin of the majority of Utahns, we are fast losing the extent and variety of our wilderness. In Utah, of the 23 million acres administered on behalf of the public by the Bureau of Land Management (BLM), only 40 percent still qualifies for designation as wilderness. Because so little remains, Congress would be wise to set aside more rather than less. Bold steps are necessary to protect for the future what remains of these national treasures that are international attractions. Nowhere outside of Alaska is this natural heritage more in evidence than in Utah.

Most people in Utah would like to see our political leaders be bolder in their approach to settling the wilderness question. And since these are truly lands of national interest, Americans deserve better. We in Utah and others across the country support protection of our country's last remaining wild places in overwhelming numbers. We firmly believe that enactment of America's Redrock Wilderness Act, now sponsored by 150 Members of Congress, is the wisest course to adopt.

H.R. 2488: FUNDAMENTALLY FLAWED LEGISLATION

Unfortunately, H.R. 2488 does not share this vision. It would protect only 0.2% of the lands deserving of wilderness designation and included in America's Redrock Wilderness Act. Even within the Pilot Range, the proposal excludes more than half the land deserving of protection, even though these excluded lands contain no user conflicts, and their designation as wilderness would enhance both the experience of wilderness and the protection of wildlife and other wilderness resources. Worse yet, H.R. 2488 is saddled with unprecedented "hard release" language that would blacklist deserving wild lands from future wilderness designation, and unprecedented management language that would weaken the Wilderness Act of 1964. In several instances, the unacceptable management language serves no purpose other than to establish precedence for future wilderness bills in Utah and across the country.

Although passage of H.R. 2488 would do very little to actually resolve the contentious Utah wilderness debate, the Southern Utah Wilderness Alliance would gladly support the bill if it protected all lands in the Pilot Range that are included in America's Redrock Wilderness Act and if it included clean management language that offered genuine wilderness protection that did not undermine the Wilderness Act of 1964. However, because H.R. 2488 ignores worthy lands in the Pilot Range and includes unacceptable management language, the Southern Utah Wilderness Alliance does not support H.R. 2488 in its current form.

Furthermore, our opposition to H.R. 2488 extends beyond our concern with its inadequacies with respect to the Pilot Range. Congressman Hansen has already acknowledged his intent to introduce a series of wilderness bills on a county-by-county basis (Salt Lake Tribune, July 17, 2001, p. A4) and H.R. 2488 is intended to serve as a template for these future bills. Congress must decide if it is willing to pass a series of wilderness bills that shortchange acreage within proposed wilderness units, permanently bar deserving lands from protection in the National Wilderness Preservation System, reify unacceptable management language, and leave the issue of wilderness protection in Utah unresolved and more contentious than ever. For all these reasons, the implications of this bill extend far beyond the Pilot Range itself.

Below, we discuss our concerns with H.R. 2488 in detail. We address the following:

- **The Pilot Range: Land Worthy of Genuine Wilderness Designation Not Offered** by H.R. 2488 (pp. 2–5). This section provides a description of the Pilot Range, with special emphasis on proposed wilderness units that are partially included in H.R. 2488.
- **Critical Places Omitted: Half a Wilderness** (pp. 5–8). This section focuses on excluded portions of the Pilot Range.

- Problems with Management Language (pp. 8–11). This section focuses on the unprecedented “hard-release” and military use language, as well as other serious management language problems in H.R. 2488.
- H.R. 2488 and Utah’s Wilderness: A Terrible Template for the Future (pp. 11–12). This section summarizes our opposition to H.R. 2488 as it is currently written.

THE PILOT RANGE: LAND WORTHY OF GENUINE WILDERNESS DESIGNATION NOT
OFFERED BY H.R. 2488

The Southern Utah Wilderness Alliance, along with the more than 200 other conservation groups that make up the Utah Wilderness Coalition, has long been a proponent of adding lands within the Pilot Range to the National Wilderness Preservation System. The Pilot Range, located in the Great Basin on the Utah–Nevada border, is an outstanding example of BLM lands in northwest Utah deserving of wilderness designation. The Pilots’ typically snow-covered peaks are more than an historic landmark—they are a haven both for wildlife and for human visitors seeking solitude, spectacular views, outstanding hunting opportunities, and untrammelled natural conditions. Utah’s Pilot Range wilderness includes alpine meadows and basins, pinon-juniper forest, sage-covered slopes cut by rocky canyons, and rare perennial streams; it is home to herds of elk, Rocky Mountain bighorn sheep, pronghorn antelope, and mule deer, and Utah’s only population of threatened Lahontan cutthroat trout. The Pilot Range deserves permanent protection by appropriate wilderness legislation—unfortunately, H.R. 2488 is not it.

The Pilot Range includes three proposed wilderness units. Unfortunately, H.R. 2488 includes only limited portions of the southern two units: the Pilot Peak Unit and the Central Pilot Range Unit. All of the Bald Eagle Mountain Unit is excluded. Below is a description of the two partially included units followed by a description of deserving portions of the Pilot Range that have been excluded from H.R. 2488.

Pilot Peak Unit Description: The Pilot Peak Unit straddles the Utah/Nevada state line, with approximately 27,000 acres on the Utah side and 23,000 acres on the Nevada side, giving this wilderness unit a total of about 50,000 acres of public land. The BLM has inventoried the Utah side of the Pilot Peak unit and found it to have wilderness characteristics. Unfortunately, of the 27,000 acres in Utah, about 14,000 acres of this deserving unit, including portions of a BLM-designated Area of Critical Environmental Concern, are excluded from H.R. 2488.

Pilot Peak is one of the gems of the Great Basin. Its 10,716-foot symmetrical shaped top was a landmark for early explorers and later for such famous wagon trains as the Donner–Reed Party, which passed to the east and north of this range in 1846. This wagon train was so badly weakened and so far behind schedule from traversing 80-plus miles of desert playa salt flats before reaching the life-giving spring at the edge of this peak, now named Donner Spring, that they became snow-bound in the Sierra Nevadas that fall. The peak was named by John C. Fremont during his expedition in 1845. Kit Carson, the expedition’s guide, sent ahead to locate water, found a line of springs at the eastern base, now known as McKeller Springs. Carson is reputed to have guided the rest of the Fremont’s expedition across the salt flats by sending up smoke signals from the peak, hence Fremont’s name for it.

The Pilot Peak Wilderness Unit encompasses bench lands starting at 4,300 feet, and climbs to lofty alpine regions of the peak and ridges at 10,716 feet, more than a mile above the valley floors below. Pilot Peak features two perennial streams, Donner and Bettridge Creeks (both inexplicably excluded from current or future wilderness designation by H.R. 2488). In April of 1977, a Utah Division of Wildlife Resources (UDWR) fisheries biologist sampled Donner Creek at the request of the Bureau of Land Management (BLM) and discovered Lahontan cutthroat trout. It is believed they were transplanted into Donner Creek in the early 1900’s. The Lahontan cutthroat trout derive their name from Lake Lahontan, an ancient inland freshwater lake which existed during the ice age in Nevada. The lake extended from what is now Wells, Nevada, on the east, to what is now Pyramid Lake on the west. The great lake disappeared about 13,000 years ago, leaving a remnant population of the trout in lower lakes and streams of the Lahontan Basin in Nevada and California.

Due to hybridization with other trout species throughout its original range, the Donner Creek population is now believed to be the only pure strain of the Pyramid Lake variety of the Lahontan cutthroat trout in existence. For this reason, in May of 1988 the BLM designated approximately 1100 acres, including the watersheds of both Donner and Bettridge Creeks, as an Area of Critical Environmental Concern

(ACEC), thus providing greater protection and management of the threatened Lahontan cutthroat trout. The species was originally listed as endangered in 1970 (35 Fed. Reg. 16047) and was reclassified as threatened (40 Fed. Reg. 29864) under the Endangered Species Act of 1973, as amended. Unfortunately, all but the northern edge of this ACEC would be excluded from current or future wilderness designation by H.R. 2488—completely excluding Donner and Bettridge Creeks.

Vegetation in this region is quite diverse depending on elevation, water, and slope angle. The upper reaches of this peak and north-facing slopes have pinon and juniper forests, cliffrose, mountain mahogany, aspens, willow, sagebrush and lupines. Pinon and juniper forests, which provide diverse habitat, extend down in places to around 5,000 feet along the bench lands. South-facing slopes and high ridge tops are dominated by sagebrush, native grasses, and mixed mountain brush communities. Lower elevations, bench lands and drainage bottoms are a mix of rabbitbrush, native grasses such as Indian ricegrass, and greasewood.

Wildlife is abundant, consisting of mule deer, elk, pronghorn antelope, Rocky Mountain bighorn sheep, mountain lion, bobcat, badger, coyote, jackrabbit, cottontail, various ground squirrels and rodents. The deer population is minimal throughout the Pilot Range, but the perennial streams and associated dense vegetation within the ACEC make this area quite important to deer year-round. The Utah Division of Wildlife Resources has identified much of this unit as “high priority” mule deer and elk habitat. Raptors found within the ACEC, and throughout the unit, include the golden eagle, red-tailed hawk, kestrel, great horned owl, and Coopers and sharpshinned hawks. An active red-tailed hawk nest has been located in the Donner Creek drainage. Upland game birds in the ACEC consist of the mourning dove and chukar partridge. Sage grouse and Hungarian partridge are found in Pilot Range. Reptiles that commonly occur in the area include the Great Basin rattlesnake, Great Basin gopher snake, and the Salt Lake horned lizard.

Views from Pilot Peak and surrounding mountain areas are impressive. A visitor has an expansive 360-degree view of the Grouse Creek, Hogup, Promontory, Cedar, Stansbury, Deep Creeks and the Wasatch Mountains on the Utah side of this range and into Nevada, ranges such as the Toano, Delano, Goshute, Pequops and the Ruby Mountains, along with many others into the Great Basin can be seen. Rising above the vast playa salt flats of the Great Salt Lake Desert, once covered by ancient Lake Bonneville around 15,000 years ago, one can see the Silver Islands, Crater Island, Lemay Island, Pigeon Mountain and the Newfoundland Mountains.

Precipitation in this area mostly comes in the form of snow in the winter months from October through April. Precipitation varies from around six inches at the lower elevations to around sixteen inches at the upper elevations of Pilot Peak. Numerous springs are a direct benefit from this precipitation, providing critical wildlife habitat. Opportunities for hiking, backpacking, camping, horseback riding, scenic photography, hunting, wildlife viewing, backcountry skiing and sight seeing are abundant throughout this entire unit.

Central Pilot Range Unit Description: The Central Pilot Range Unit is situated in the middle of the Pilot Range in the northwest corner of Utah while a small portion of the western flanks enters Nevada. It has a north-south orientation that is typical in the Great Basin. The southern boundary utilizes the impressive Patterson Pass jeep route—with its many granite rock outcroppings—while the northern boundary uses the many private inholdings and routes at the historic mining area of Copper Mountain. The eastern boundary is a well-used route and an aqueduct system that provides water for local ranching and for the railroad at Lucin. The western boundary, which at times is in the state of Nevada, uses private ownership.

This wilderness unit encompasses bench lands from 5,300 feet in elevation, to alpine ridges at 7,800 feet, with the impressive Box, Cook, and Hogans Alley canyons on the west and McGinty Canyon on the east. Vegetation at higher elevations and on north-facing slopes is dominated by pinon and juniper forests, mountain mahogany, and mixed mountain brush communities. South-facing slopes and high ridge tops are dominated by sagebrush, native grasses, and mixed mountain brush communities. Lower elevations, bench lands and drainage bottoms are a mix of rabbitbrush, native grasses, and greasewood.

Around 15,000 years ago, the inland sea of Lake Bonneville was shaping much of what is these bench lands today. Several ancient lake shorelines can be seen, and impressive deltas were formed from sediment flowing into the lake and settling. This is most obvious on the western portion of this unit.

This region has abundant wildlife, with big game animals such as elk, mule deer, Rocky Mountain bighorn sheep and pronghorn antelope inhabiting many portions of this unit. Mountain lions, bobcats, badgers, coyotes, bats, ravens, and several species of reptiles also inhabit this unit. The Utah Division of Wildlife Resources has identified this area as “high priority” habitat for mule deer and elk. This region

also lies along a major migratory route for such raptors as the golden eagle and the red-tailed hawk, which feed on the many small mammals and rodents. Occasionally, turkey vultures can be seen soaring above searching for a meal.

Views from this area are breathtaking. From the upper reaches of the unit, a visitor has an impressive 360-degree view of the Grouse Creek, Raft Rivers, Hogup, Promontory, Cedar, Stansbury and Wasatch Mountains on the Utah side of this range, and into Nevada, ranges such as the Toano, Delano, Pequops and the Ruby Mountains can be seen. In the expansive playa salt flats of the Great Salt Lake Desert, which was once covered by Lake Bonneville, one can see the Silver Islands, Crater Island, Lemay Island, Pigeon Mountain and the Newfoundland Mountains. To the south, along the ridges, 10,716-foot Pilot Peak looms over the desert landscape below.

Precipitation in this area mostly comes in the form of snow in the winter months, providing the necessary ground water to feed the many springs in this unit. Visitors to this area are immediately struck by the overwhelming feeling of solitude and remoteness. Opportunities for hiking, backpacking, camping, horseback riding, scenic photography, hunting, wildlife viewing, and sightseeing are abundant throughout this entire unit.

CRITICAL PLACES OMITTED: HALF A WILDERNESS

Without explanation, H.R. 2488 excludes more than half the Pilot Range's wilderness in Utah. Of the 49,000 acres that qualify for wilderness protection, H.R. 2488 omits 27,000 acres—leaving only 22,000 acres of proposed wilderness in the bill. When H.R. 2488 was introduced on July 12, it proposed to designate 37,000 acres of wilderness—but its sponsors already have rolled back even this truncated wilderness proposal to the current inadequate 22,000 acres. (Representative Jim Hansen and Utah Governor Mike Leavitt agreed last year that the Pilot Range wilderness should be at least 37,000 acres, and Rep. Hansen himself introduced last year a 37,000-acre Pilot Range wilderness as part of H.R. 3035. Yet now H.R. 2488 has moved the goalposts to a minimal 22,000 acres.)

H.R. 2488's boundary excludes the entire 12,000-acre Utah Wilderness Coalition-proposed Bald Eagle Mountain Unit at the north end of the range. Though there is a communication tower at the northern edge of this area, this does not detract from its remoteness or wildness; the Bald Eagle Mountain unit is still predominantly natural in character and deserving of wilderness protection.

Inexplicably, the bill also cuts off 15,000 acres of BLM-identified wilderness from east and south sides of the Pilot Peak Unit—this omitted wilderness clearly meets all standards set out in the Wilderness Act, has been confirmed by the BLM as wilderness quality land, and has been recommended by the Governor of Utah and the previous Secretary of the Interior for wilderness designation. It provides spectacular views, solitude, and wildlife habitat—yet H.R. 2488 fails to protect it. The Pilot Range deserves at least 49,000 acres of wilderness, not the minimal 22,000 acres proposed in this bill.

Why exclude parts of the Pilot Range that have been determined by the BLM to have wilderness characteristics and that previously have been proposed for wilderness designation by Governor Leavitt and Congressman Hansen? One possible explanation is that these lands are primarily bench lands falling at the foot of the mountain range. But these excluded benches and creeks (including creeks currently a part of the BLM designated Area of Critical Environmental Concern) are an integral part of the Pilot Range's Great Basin wilderness landscape. The BLM has recognized that these lands enhance the experience of solitude and recreation, and protect wildlife and other wilderness resources. In its 1999 FLPMA 202 Wilderness Inventory of another Great Basin mountain range, the Cedar Mountains, the BLM explicitly recognized that bench lands enhance solitude and offer critical wildlife habitat (see BLM Utah Wilderness Inventory, <http://www.ut.blm.gov/wilderness/wrpt/wrptnwcedar.html>). The same is true for the Pilot Range's eastern bench lands which offer views of vast open spaces to the Silver Island and Newfoundland Mountains. The bench lands by themselves would be worthy of wilderness protection, given that they would constitute a unit of more than 10,000 acres that offer recreational opportunities, stunning views, and the protection wildlife. When added to the Pilot Peak Unit, they become even more valuable.

Inexplicably, Congress is being asked not only to exclude these lands from wilderness designation, but to determine that they are "unsuitable for wilderness designation" (see Section 3 of H.R. 2488). This finding is particularly repugnant because the BLM has identified these lands as having the necessary qualities for entry into the National Wilderness Preservation System, and because the sponsor of

H.R. 2488 sponsored last year's H.R. 3035, which found these very same lands quite suitable—and indeed proposed them—for wilderness designation.

Finally, H.R. 2488 also omits more than one square mile of wilderness-quality land at the northwest corner of the Pilot Range unit, in the middle of the range. This area, which is mostly State land, should be added to BLM's inventory unit and included in the Pilot Range wilderness area—as part of its 1999 reinventory, BLM made a point of drawing boundaries to include deserving State sections along the boundaries of potential wilderness units, and this area is deserving. (In addition, both the BLM boundary and H.R. 2488 use an incorrect road alignment on the cherry-stemmed Patterson road; and both mistakenly include a stock tank in the northeast corner of the Pilot Range unit.)

The ecological significance of excluded bench lands beneath the mountains of the Pilot Range: The lower elevation benches that support Utah's distinctive Great Basin mountain ranges are an ecologically integral, and functionally irreplaceable, habitat type in the Great Basin desert. These ecological "transition zones" play an important role in both surface and groundwater hydrology, and in fulfilling the needs of native aquatic and terrestrial species.

Hydrologically, the benches are the link that enables both surface and groundwater to flow from the mountains to the critical lowland valleys below, which in turn provide a haven for migratory wetland birds and rare desert fish. Of critical importance in the case of the Pilot Peak benches, the benches are known to contain an amount of natural seeps and springs. Destroy these springs with roads, ORV's, water usurpation and other developments, and the creeks that bring water from both the springs and high mountain runoff will eventually cease to be perennial, with certain impacts to aquatic species that live in these creeks, as well as wetlands in the valleys below.

A prime example of the hydrologic importance of these bench lands to aquatic wildlife is illustrated in the case of the federally listed Lahontan cutthroat trout. The Pilot Peak range is home to the only known population of what is believed to be the last remaining pure strain of the Pyramid Lake variety of Lahontan cutthroat trout. As in all Great Basin mountain ranges, the Donner (a.k.a. Morrisson) and Bettridge Creeks that support these cutthroat are susceptible to sudden high flows, which can wash the trout clear down to the valley floor on the west slope of the Pilot Range. Unless the benches through which these creeks flow are adequately protected from development, future road-building, off-road vehicle (ORV) use, and water diversions, the streams and essential protective riparian ecosystems could become degraded to the point where fish washed down into the valley would not have a functional, perennial and healthy system that would enable the trout to make their way back up to their proper range.

Indeed, species other than fish rely on functional streams and their associated, healthy riparian areas through the bench land transition zone. Deer and elk are known to use healthy riparian corridors through mountain benches as a migration route from their winter ranges on the valley floors to their summer ranges in the mountains. And only on the benches will one find the critical cottonwood-willow associations which constitute necessary habitat for neotropical migrant birds, as well as game birds such as chukar. The cottonwood-willow association is not found in the coniferous zone that dominates most high mountain ranges in the Great Basin, nor will it be found on the valley floors, where creeks either dwindle to nothing, or water is gathered in lotic systems with emergent plant associations.

Bench land ecosystems also offer important habitat for terrestrial wildlife. A good example is the sage grouse, which is soon to be a candidate for federal listing. While sage grouse prefer the more open habitats of the valley floors for lek sites and breeding, the benches (with more alluvial soil and less alkaline conditions that feature more robust grass and forb communities) offer the habitat most necessary for nesting and brooding. Taller grass on the benches can protect nests and chicks from predation, while higher density and diversity of forbs offer the greater nutrition required by nesting birds and their young. Right now, protection of any habitats known to be important to sage grouse should be taken very seriously, because there is an active petition to list this species under the Endangered Species Act.

Lastly, the bench lands excluded from H.R. 2488 are also home to many species identified on the BLM's "sensitive species list," including critical habitat for the Long-Billed Curlew and the Ringtail Cat.

The wilderness value of the excluded Bald Eagle Mountain Unit: The Bald Eagle Mountain wilderness—excluded entirely from H.R. 2488—lies on the northern portion of the Pilot Range. It is situated in the northwest corner of Utah and a small portion lies within Nevada. This wilderness unit is classic basin and range topography, oriented in a north to south direction and has elevations from 5,000 to over 8,000 feet at the mountain summit. Deep canyons run east and west from the ridge

lines and are covered in pinon pine and juniper forests. Mountain mahogany and mixed mountain brush communities dominate the north-facing slopes, while the south-facing slopes and ridge tops are dominated by sagebrush and native grasses. Rabbitbrush, native grasses and greasewood are common in drainage bottoms and bench lands.

Views from this area are spectacular with the Silver Islands, Crater Island, Lemay Island, Pigeon Mountain and the Newfoundland Mountains all surrounded by the expansive playa salt flats of the Great Salt Lake Desert which was once covered from the inland sea of Lake Bonneville around 15,000 years ago. Distant views to the Grouse Creeks, Raft Rivers, Hogup, Promontory, Cedar, Stansbury and the Wasatch Mountains can be seen out on the Utah side of this range. Into Nevada, ranges such as the Toano, Delano, Pequops and the Ruby Mountains can be seen. Though there is a communication tower at the northern edge of this area, this does not detract from its remoteness or wildness; the Bald Eagle Mountain unit is still predominantly natural in character and deserving of wilderness protection.

Wildlife is abundant in this region. Mountain lions, elk, mule deer, Rocky Mountain bighorn sheep, pronghorn antelope, bats, ravens and reptiles inhabit this unit. This region also lies along a major migratory route for such raptors as the golden eagle and the red-tailed hawk. The southern portion of the unit contains interesting and historic mining activity, including the remains of a aerial tramway that once hauled ore off the mountain. Visitors to this area are immediately struck by the overwhelming feeling of solitude. Opportunities for hiking, camping, horseback riding, scenic photography, hunting and sight seeing are abundant throughout this entire unit. The Bald Eagle Mountain Unit is also likely home to many species identified on the BLM's "sensitive species list," including: high-value habitat for the Bobolink, Burrowing Owl, Ferruginous Hawk, Osprey, Swainson's Hawk, and Short-Eared Owl, and critical habitat for the Ringtail Cat.

PROBLEMS WITH MANAGEMENT LANGUAGE

In the history of enacting wilderness legislation, which to date has added a total of 106 million acres to the National Wilderness Preservation System, great care has been taken to maintain the purity of the wilderness concept and to observe standard prescriptions that have made consistent in large measure the management of wilderness. H.R. 2488 contains unacceptable new prescriptions that diverge from this pattern of consistency in management prescriptions. This legislation is sadly flawed and, if enacted as currently drafted, would result in a pronounced weakening of wilderness standards. The Southern Utah Wilderness Alliance cannot support erosion of the wilderness concept as embodied in H.R. 2488. Below, we discuss in detail several sections of H.R. 2488 which raise serious, significant concerns that must be brought to light and addressed before this bill can pass muster.

Section 2(e): We are concerned that Section 2(e) as written would permit construction within wilderness areas of water developments such as "game guzzlers," designed to increase the population of non-native species. Construction of any new facility in wilderness (except for narrow exceptions) is inconsistent with the definition of wilderness in the 1964 Wilderness Act. This section must be revised to clarify that management activities do not include construction of facilities for water sources to artificially increase populations of either non-native or native species.

Section 2 (f): This section represents one of the most disturbing provisions of the entire bill. The language far exceeds anything ever included in any wilderness bill for public lands. More than 100 wilderness laws have been enacted. All but two have been silent with respect to military use. The two that included language related to military use, the Arizona Desert Wilderness Act of 1990 and the California Desert Protection Act of 1994, did not include language such as that proposed here. Rather, each bill put in place adequate protections to ensure that the military would be able to conduct low-level overflights and to maintain existing communication and tracking installations.

Specifically, H.R. 2488 contains unprecedented language eliminating existing BLM authority to manage lands under its control. It allows the Department of Defense to unilaterally install and maintain new buildings, equipment, and temporary roads lasting up to 50 years inside designated wilderness areas; it allows unrestricted perpetual motorized access to wilderness areas; and it grants the military control over citizen access to wilderness areas. None of these new rights have ever before been granted to the Department of Defense in designated wilderness. In addition, the plain text of Section 2(f) would exempt the Department of Defense from other land management statutes such as FLPMA, NEPA, and the ESA, statutes that fully apply to the Department in almost all circumstances.

The Southern Utah Wilderness Alliance would not be opposed to bill language that sought to enact protections for military training needs related to the proposed Pilot Range wilderness if they were based on language similar to the Arizona Desert Wilderness Act of 1990 and the California Desert Protection Act of 1994. In addition, given that the Wilderness Act of 1964 already provides for emergency access and response in the event that human life or health is at risk, the language in Section 2 (f)(4) is unnecessary and redundant.

However, the unnecessary practical effect of Section 2 (f) in its entirety is to cede authority to manage public lands covered by this bill to the Department of Defense. In fact, H.R. 2488 would give the Department of Defense far greater control of proposed BLM wilderness in the Pilot Range than it has in the 20 miles of ordinary private, State, and BLM lands between the proposed Pilot Range wilderness and the Hill Air Force Bombing and Gunnery Range.

Proponents of this bill may argue that national security rests upon inclusion of the language contained in H.R. 2488. They may even call into question the patriotism of those who challenge the necessity of the language. However, their argument is flawed for several reasons.

First, no one denies that the nation's military readiness is an extremely important matter, but it should be noted that significant acreage near the Utah Test and Training Range where such preparedness is practiced has been included in Wilderness Study Areas for more than ten years. The Air Force has flown hundreds of sorties, or practice runs, annually during the last decade, and military personnel at Hill Air Force Base have acknowledged that Wilderness Study Areas have in no way affected their ability to ensure pilots are properly trained, equipment thoroughly tested, and emergencies quickly handled. The Air Force already has a working agreement with the Department of Interior for emergency access, recovery of equipment, and the like. Designating the Pilot Range as wilderness with more appropriate management language than that contained in H.R. 2488 would continue to protect military interests and national security without degrading the Wilderness Act of 1964. For example, military operations have not been hampered or compromised by the more acceptable management language in the Arizona Desert Wilderness Act of 1990 and the California Desert Protection Act of 1994.

Second, if national security really does rest upon ceding control of the proposed Pilot Range wilderness to the Department of Defense, as H.R. 2488 would, then it follows that all the land between the proposed wilderness and the Hill Air Force Bombing and Gunnery Range—some 20 miles away—must be of equal or greater importance to national security and in need of similar or more stringent management language. It follows that practical control of these other lands also ought to be turned over to the Department of Defense so that it could unilaterally build installations and roads and control human access. Yet H.R. 2488 remains silent with respect to these lands even as it seeks to reify language that would weaken the purity of wilderness protection in future wilderness bills.

In summary, Section 2(f)(3) and (5) go far beyond anything ever included in previous wilderness bills, they are not necessary to provide for military training needs, they give the BLM less control over BLM wilderness lands than other BLM lands (even other BLM lands closer to the Hill Air Force Range), they give the military unilateral authority to close or restrict public access to Department of Interior administered public lands, they allow wilderness designation to be used as an excuse to expand Air Force control beyond lands specifically withdrawn for military use. Members of Congress should recognize Section 2(f) for what it is—an anti-wilderness initiative that is unnecessary, erodes the authority of the Department of Interior, and unnecessarily restricts individual freedom that is not restricted on other public and private land far closer to the Hill Air Force Bombing and Gunnery Range.

Section 2(h): This section on water rights is one of the most troublesome because it diverges from the management language that has been used in the vast majority of past wilderness bills. It should go without saying that a wilderness requires water, especially a desert wilderness like the Pilot Range. The Wilderness Act defines wilderness as “a place where the earth and its community of life—its ecosystems—are untrammelled by man.” Ecosystems require adequate water to sustain their plant and animal communities. Yet H.R. 2488 expressly prohibits the reservation of any water right for wilderness in the Pilot Range, leaving open the possibility that critical watersheds could become entirely dewatered, threatening the long-term survival of the Pilot Range's wild ecosystems. It is imperative to get a reserved water right for this wilderness area—local wildlife, including the threatened Lahontan cutthroat trout, need it, and it would set a terrible precedent not to get reserved water for this island range surrounded by desert. Indeed, the BLM has designated an Area of Critical Environmental Concern to protect the two Pilot

Range creeks that harbor these threatened fish—a very important water-related resource. Yet H.R. 2488 includes another unexplained special finding, the suggestion that Congress would recognize that “there is little or no water-related resources in the Pilot Range Wilderness.” The fact that these important threatened fish and other wildlife depend on the Pilots’ scarce water, should lead to the logical conclusion that the scarcity of water should require an express water right.

In the California Desert Protection Act and the Arizona Desert Wilderness Act, Congress expressly provided a water right with identical language: “Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this title.” Water rights are adjudicated by State water laws, and nothing in the California or Arizona legislation or other wilderness bills has ever superseded State law, which means that the water right conferred upon wilderness is junior to all existing rights and claims at the time of enactment. There would be no usurpation of existing water rights. H.R. 2488 must expressly reserve a water right for wilderness by using the same language as the California Desert Protection Act and the Arizona Desert Wilderness Act, or the legislation will remain unacceptable.

Section 3: Wilderness release is one of the most important matters in legislation of this type because wilderness is a non-renewable resource and once it is gone, it is likely gone forever. Therefore, Congress and the conservation community have been extremely vigilant in safeguarding the opportunity to designate lands in the future that qualify but that are not included in a specific piece of legislation at the time of its enactment.

The wilderness release language in H.R. 2488 has two major flaws that undermine the wilderness process laid out under the Wilderness Act of 1964 and FLPMA. First, Section 3 includes an unprecedented “hard release” provision—a special, non-standard finding that non-designated lands within the Pilot Range are “unsuitable for wilderness designation, and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas.” The finding of “unsuitable for wilderness” is unwarranted and unexplained, and could put these lands off-limits to the BLM and the Congress for future wilderness designations. (Furthermore, the finding is unnecessary with respect to Wilderness Study Areas established under authority of Section 603 of FLPMA since there are no Wilderness Study Areas in the general area of the Pilot Range.) Inclusion of this hard release language reveals the true intent of H.R. 2488—to serve as a template for future wilderness bills that would limit the eventual amount of wilderness added to the National Wilderness Preservation System. The cumulative intent of this language is to establish a norm of “hard release” for future wilderness bills—a provision that Congress has never approved in the past. Finally, the language in H.R. 2488 is ambiguous regarding what lands are being released, as it does not specify what constitutes the Pilot Range.

Second, the bill would terminate the BLM’s ongoing designation of new Wilderness Study Areas under Section 202 of FLPMA on 15,000 acres of Pilot Range lands which the BLM found to have wilderness quality, but which this bill omits. Seen in the context of Utah’s ongoing wilderness controversy, it is clear that H.R. 2488 is meant as a tool, directly in Box Elder County and as a precedent elsewhere, to thwart completion of BLM’s long-overdue designation of additional Wilderness Study Areas in Utah. The completion of the 202 review process, and adoption of resource plan amendments to establish WSAs for lands found recently by BLM to qualify as wilderness, is of preeminent importance to the conservation community, and this option should not be precluded by the legislation.

In order to be acceptable, H.R. 2488 must delete “unsuitable for wilderness designation” language, references to Section 603 of FLPMA, and release language terminating the BLM 202 process. It should also clarify language with regard to what constitutes the Pilot Range.

Section 4: The “adjacent management” language in Section 4 would restrict BLM from protecting wilderness areas from impairment by activities taking place at their borders. This section is unnecessary and unacceptable. This unfortunate boilerplate language essentially mandates that the agency shall permit any kind of development right up to the boundary of wilderness, no matter that there might be different designs or locations that would work just as well and would safeguard important wilderness values such as silence, solitude, undisturbed wildlife, and the like. This section should be deleted.

SUMMARY OF PROBLEMS WITH MANAGEMENT LANGUAGE

Designation of wilderness entails not only adding special places into the National Wilderness Preservation System, it means assuring that the concept of wilderness and the standards for managing it are maintained. The Southern Utah Wilderness

Alliance urges the Subcommittee on National Parks and Public Lands to give serious consideration to maintaining the integrity of the wilderness idea and the Wilderness Act of 1964, not undermining it as H.R. 2488 does currently. We will be unable to support the bill unless the reasonable changes suggested specifically and generally above are in large measure adopted, and would be pleased to work with staff on modifications that the committee should adopt.

H.R. 2488 AND UTAH'S WILDERNESS: A TERRIBLE TEMPLATE FOR THE FUTURE

H.R. 2488's chief sponsor has indicated he views it as a model for designating wilderness one county at a time, throughout Utah. The reasons to add what wilderness remains to the system established in 1964 by Congress are many. Unfortunately, this bill in its present form is a terrible model to pursue the goal of designating wilderness.

First, it is a plainly inadequate proposal for wilderness within Box Elder County. It would designate as wilderness only 12 percent of the qualifying wildlands in Box Elder County, and less than half the qualifying lands in Utah's Pilot Range itself. It would fail to designate any wilderness at all in the Newfoundland Mountains (recommended by BLM), Crater Island and Silver Island Mountains (both recommended by Utah Gov. Mike Leavitt last year), or the Grouse Creek Mountains and Grassy Mountains (recommended by the Utah Wilderness Coalition and not yet inventoried by the BLM), all located wholly or partly in Box Elder County.

Second, it would create unprecedented weakened wilderness areas, allowing the construction of new buildings and equipment, temporary roadbuilding, and permanent motorized access in so-called "wilderness."

Third, without justification it simply hands the keys to BLM wilderness over to the Air Force, allowing the military to lock the public out of the public lands.

Fourth, it fails to reserve a water right for the wilderness it designates—putting at risk the health of the ecosystem it claims to be protecting.

Fifth, within the Pilot Range it would shut down BLM efforts to protect thousands of acres of acknowledged wilderness outside this bill's inadequate boundary and establish a Congressional finding that lands excluded from wilderness designation in this bill are "unsuitable for wilderness designation"—thereby barring BLM from protecting these excluded lands as wilderness in the future.

This model, if followed, would prevent wilderness designation on millions of acres of Utah's wilderness and fail to give genuine wilderness protection to the few lands actually designated. It would lead to future wilderness bills driven by unacceptable management language, and weaken the Wilderness Act of 1964. Utah wilderness and the National Wilderness Preservation System deserve better. So do the majority of Utahns and Americans who value wilderness.

Noted national author and Utah native Terry Tempest Williams wrote this about our duty to protect our remaining wild places:

The eyes of the future are looking back at us and they are praying for us to see beyond our time. They are kneeling with hands clasped that we might act with restraint, that we might leave room for the life that is destined to come. To protect what is wild is to protect what is gentle. Perhaps the wildness we fear is the pause between our own heartbeats, the silent space that says we live only by grace. Wilderness lives by this same grace. Wild mercy is in our hands.

H.R. 2488 as currently written lacks the grace and mercy that the Pilot Range and National Wilderness Preservation System need you to demonstrate. The future of wilderness is in your hands. If excluded lands are added and unacceptable management language changed as outlined in this testimony, the Southern Utah Wilderness Alliance could support H.R. 2488 even though we believe America's Redrock Wilderness Act is a far better vehicle for protecting deserving Utah lands as wilderness. Without such change, we urge members of the subcommittee to reject H.R. 2488. Again we would be pleased to work with staff on modifications that the committee should adopt.

Mr. HEFLEY. Thank you, Mr. Young.

Mr. Pallone?

Mr. PALLONE. I guess what I would like to do is to ask Mr. Harja to answer some of the criticisms that Mr. Young made, and specifically, Mr. Harja, if there are lands unsuitable for wilderness in the Pilot Range, why did the Governor agree to this 37,000-acre designation previously? In other words, Mr. Young says this has been

reduced considerably. Why has that occurred if the Governor previously agreed to the 37,000?

Mr. HARJA. Certainly; Governor Leavitt and Secretary Babbitt agreed to 1 million acres in the West Desert of Utah and agreed to a certain set of languages, language management prescriptions. That included 37,000 acres in the Pilot Range. However, there were a lot of discussion points and a lot of compromises made.

That 37,000 acres includes, if you look at the map up there, all the way to the east, where there is a dark line running down north and south, where Tim is pointing it out. The boundaries to the west that are shaded there constitute another manageable point; that is, there is an old road running right along the base of the mountains, and you can see it in the lower right-hand picture there; that the state, in fact, argued was a manageable boundary.

So I would answer you that in the spirit of compromise, we agreed to the 37,000 acres. Mr. Hansen has chosen to propose something different, and we will leave that up to the Congress to decide.

Mr. PALLONE. Well, the issue of the roads, again, was another issue that Mr. Young brought up, you know, whether there are these roads. I mean, if there are these roads in the Pilot Range that disqualify certain lands from wilderness, why are they not listed on this county road map, the Box Elder County road map?

Mr. HARJA. Tim, if you would take those pictures down and go back to the map, the boundary—you can see a boundary running along the shaded area there, but from the eastern proposed boundary, there are about five roads that move west up into the mountains. And if we were to—those roads were all cherry-stemmed in the original proposal, and there is one coming down from the north and one coming up from the south right along where he is pointing there.

There is no connection on the county road system. The county has decided that that old road is something that they do not need anymore. But if you connect the dots, you can get a manageable boundary. You can see a spot where people can find the boundary. One of the things the BLM was very concerned about out there was finding the boundary. The main road is easy, but there is another spot. And so, if you go to the eastern boundary, you are going to have it bisected east to west by five roads that move right up into the mountains. And there is some question about whether that makes sense.

Mr. PALLONE. Now, what about Mr. Young's statements about not using the standard military water language, you know, that has previously been used? I mean, he suggested this is somewhat, you know, extraordinary in terms of the standards that are being used.

Mr. HARJA. The military language, is that what you are—

Mr. PALLONE. Well, he suggested that there are a lot of extraordinary things going on here, you know, that this is not, this, you know, standard military water language about, you know, what can be, you know, he referenced that, and I do not know all of the details, but I would just like for you to respond to it.

Mr. HARJA. Sure; Hill Air Force Base is one of the major employers in the State of Utah, and the UTTR is a major part of it staying

in business. The state and the Department did not negotiate Air Force language. That was up to the Air Force to discuss in the previous effort. Overflights are easy, but it is more than overflights. The Air Force needs to be able to get out there to recover accidents. If you go out there on a daily basis, you will have B-2s, B-52s, cruise missiles flying by.

You know, the State of Utah's position has been you need to protect the UTTR. Whether this language or any other language is appropriate, we are not as vested in the result, as long as the UTTR is protected, and I would simply defer to the Air Force to state what they think they need.

Mr. PALLONE. Well, it just seemed to me that listening to his criticism, that there are a lot more things that could be done to maybe meet him halfway on this, and I mean, do you have any general response to his comments?

Mr. HARJA. In terms of a number of things: in terms of wildlife, I think we disagree. I think we need the ability to actively manage wildlife in this area. There are a number of reintroduced species that we need to be able to deal with: bighorn sheep, chuckers, lahonton cutthroat trout. Wilderness does not solve those problems. We need to be able to work the land. We need to be able to manipulate it if necessary. We need to be able to help prescribe burns and then reseed it.

I think the appendix that is mentioned allows us to do that, and that is why we support that language.

In terms of water, I do not think you need a Federally-reserved water right here, mostly because it is not the amount; it is that there is drift in the principle, in the mission of that language, and it starts to be used to support manipulations of the wrong type, and that is why the state is concerned. Habitat manipulation is what I am talking about.

In terms of the Air Force, I have no problem with the existing language, as Mr. Fulton has explained. So that is kind of where the State of Utah is.

Mr. PALLONE. Thank you.

Thank you, Mr. Chairman.

Mr. HEFLEY. Ms. McCollum?

Ms. MCCOLLUM. Thank you, Mr. Chairman. I apologize that I was not here to ask the Air Force some questions; I will submit those in writing, and I am assuming, based on the person who testified, if I direct those to you, Colonel, that will work. Thank you, Colonel.

To the State of Utah, I am in a bit of a dilemma here. When the State of Utah has a management area that the state is managing, do you find yourself often going in and working with local units of government, changing your definitions, your goals on how the state is going to manage its habitat areas, its water areas, its land areas when you are conceding as much as it appears to be conceded in this language?

Mr. HARJA. The State of Utah, by the structure of government, is the proper entity to control general wildlife activities on all lands, including BLM lands. We do not control on Department of Defense lands; we do not control in national parks. But everywhere else, it is the State of Utah that is responsible for the habitat.

Ms. MCCOLLUM. And so, Mr. Chairman, sir, what is the goal here? To make sure that—will the State of Utah be encouraging nonnative species, plants and animals, in, quote, unquote, a Federally-designated wilderness area, or does the State of Utah look at, you know, well, this is our land, and we are going to manage it, and this is kind of okay?

Mr. HARJA. No; the State of Utah attempts to set out management plans for each species. Some are natural; some are reintroductions. In these particular mountains, there have been plans in many years, and there are in fact already bighorn sheep that have been reintroduced. It is because they had difficulty—the sheep caught diseases from domestic sheep and were nearly eliminated.

We do not believe that we run around indiscriminately proposing a species for here or there. However, if you look at the lahonton cutthroat trout, for example, they were not originally there, and they were moved there before everybody discovered that they were threatened. Now that they are there, it is the State of Utah's intention to make sure that they survive, and we will participate with the Fish and Wildlife Service in any recovery plan that may be necessary. We simply are not convinced that the simple answer for that is wilderness. The answer is much more complex. It involves a plan, a recovery plan, that will probably extend well into the State of Nevada, and it may involve counting the cutthroat. It may involve electroshocking in order to count them.

Ms. MCCOLLUM. Mr. Chairman, I have another question; I have limited time.

Sir, do you, on state lands, do you have buffer zones between, you know, state lands and lands that are either commercial, highly developed, potential to develop when the state has property in Utah that it is trying to set aside or protect? Is that a normal thing for the state to try to do?

Mr. HARJA. No, we do not normally look to board buffer zones, no.

Ms. MCCOLLUM. We do in Minnesota, so I am just trying to get the—to use a bad pun, the lay of the land.

Mr. HARJA. If you are looking at a commercial zone, it is local zoning that would do that. We would not.

Ms. MCCOLLUM. So in any of your state-designated lands, you have no buffer zones, no zoning ordinances where, you know, there is kind of a protection area?

Mr. HARJA. In our state-managed wildlife areas, we do not have that, no. I cannot speak for local zoning. I am not aware of that. But in terms of our state-managed wildlife areas, we do not consider buffer zones.

Ms. MCCOLLUM. And when you—see, what I am struggling with is I see that people have tried to come up with a compromise, Mr. Chair, Chairs, I should say. People have tried to come up with a compromise. But what concerns me about some of the language in the bill is that we start having dual meanings for the same word, and I always found that that caused more problems legislatively back home than it solved anything.

And so, when we start doing that, I think we set ourselves up for more headache and more heartbreak along the way. So that is

my struggle with this, and that is what I am going to try to work on to understand what the words' definitions actually are going to mean for today, for tomorrow, and for the future.

Thank you, Mr. Chairman.

Mr. HEFLEY. Mr. Hansen?

Mr. HANSEN. Thank you, Mr. Chairman.

Mr. Harja, the language in the bill that we have proposed, the water language, is that not the same language that we worked out with Secretary Babbitt?

Mr. HARJA. Yes, it is, sir.

Mr. HANSEN. It is identical, as I recall; is that correct?

Mr. HARJA. Yes.

Mr. HANSEN. The access to that endangered fish, does our bill give us latitude to go in and take care of that, while Mr. Young's does not? But what about wildlife? How come they are so tough on wildlife? I will ask you, Mr. Young: you talked earlier about wildlife, yet you oppose guzzlers.

Mr. YOUNG. We oppose guzzlers in wilderness land.

Mr. HANSEN. But that is the only way you can give wildlife a drink.

Mr. YOUNG. Indigenous species—

Mr. HANSEN. How can you have it both ways?

Mr. YOUNG. Indigenous species that belong to the web of life that belongs in that wilderness area should be able to survive, in particular, if you reserve a water right so that there are the water resources that are inherent to that location.

Mr. HANSEN. But you oppose wildlife getting a drink unless you can go back and say it was indigenous to it before even the pioneers came into the valleys; is that not right?

Mr. YOUNG. No, I would say reserve a water right so that the land can be managed as it exists in its wilderness state. If you reserve the water right, native species should be able to have adequate water.

Mr. HANSEN. Reclaiming my time, the trout were supposedly up there. There is a big question whether they were or not; really debated, and if we took your language, how do we take care of those trout?

Mr. YOUNG. Well, there are several ways in which the trout could be taken care of. Of course, you would include Bettridge Creek within the designated wilderness, and so, that watershed would be protected. BLM and State Wildlife Management would have a number of ways of getting to that.

Mr. HANSEN. They could walk in.

Mr. YOUNG. They could walk in, and there are alternatives to that, as you know, that are possible within designated wilderness.

Mr. HANSEN. Like what?

Mr. YOUNG. Where appropriate, and this is something that has to be negotiated on a case-by-case basis, you look at the specific area, and you look at alternatives: whether or not the resource can adequately be managed through walking in or else, in some instances, it would be possible to cherry stem an existing route, put a gate on it and have it open only for administrative use in designated ways.

Mr. HANSEN. Well, we tried to do that on San Rafael, and you folks opposed that. Why?

Mr. YOUNG. Give me more clarity on specifics of what you are asking. It is not clear to me.

Mr. HANSEN. Maybe you do not recall that; on Sids Mountain in San Rafael, we had the desert bighorn sheep down there, and that was a whole issue.

Mr. YOUNG. Well, there, you had routes that—

Mr. HANSEN. And you folks testified against it, and you are saying the same thing. Now, you are for it. I do not understand that.

Mr. YOUNG. No, I am not really saying the same thing. There, we had wilderness study areas and a number of routes being claimed that clearly were not necessary to get in and monitor the bighorn sheep, protect the habitat for the bighorn.

Mr. HANSEN. Mr. Young, you folks from the environmental community always talk about pure wilderness. In fact, it is in your language and in your testimony, pure language. I brought that up to the gentleman from BLM; I brought that up to the Air Force. Pure language is no structures. Pure language is no roads. Pure language is no sign of man as if man was never there. That is a direct quote out of the law.

Let me show you this picture. Is that a structure?

Mr. YOUNG. It is a structure that is cherry-stemmed out of the Bald Eagle Mountain unit. It is not included in our proposed wilderness.

Mr. HANSEN. Is that a structure?

Mr. YOUNG. I cannot see what it is. My eyes are bad.

Mr. HANSEN. Well, it is kind of like a telephone pole.

Mr. YOUNG. Yes; I guess I would answer that, because that is close enough; I can see.

Mr. HANSEN. That is a structure.

Mr. YOUNG. I would answer that in saying that it is certainly no more of a structure than the dams in the Lone Peak Wilderness Unit.

Mr. HANSEN. Mr. Young, is that a road?

Mr. YOUNG. That is not, as I see it, a road. It is a route. Judge Campbell on June 29—

Mr. HANSEN. Or a way? Would you call it a way?

Mr. YOUNG. I would call it a user-constructed route.

Mr. HANSEN. On this side is our bill; on that side is your bill. What is the difference?

Mr. YOUNG. That is a good question. One would wonder a route that has been closed by BLM and on both sides—I was out there last Saturday, perhaps in that specific place and—

Mr. HANSEN. What I am saying basically is the quote that you gave the Deseret News saying what good is wilderness—if this is your quote, and boy, I hope I never hold you accountable for everything that it says in the newspaper; if you do not hold me accountable for it, we are even, okay?

This is the quote: “What good is a wilderness with roads,” which we have got; “power lines,” which we have; “buildings and communication towers, SUWA director Larry Young questioned.” So I have that same question: why do we want to call it wilderness if we have got all those things in it?

Mr. YOUNG. Well, we do not have communication sites.

Mr. HANSEN. What is this?

Mr. YOUNG. I do not believe we have a legal road.

Mr. HANSEN. What is that?

Mr. YOUNG. Well, it is not a communication site in any wilderness—if it is the Bald Eagle Mountain Unit, then, it is cherry-stemmed out.

Mr. HANSEN. Now, wait a minute. We are going back to pure wilderness. Is pure wilderness to have cherry stems in it, or was that a device of Congress to think of a way to take care of some problems?

Mr. YOUNG. Well, I think there is some ideological debate over that these days.

Mr. HANSEN. May I quote the Sierra Club on that? But you are not representing the Sierra Club, are you?

Mr. YOUNG. I am the executive director of the Southern Utah Wilderness Alliance, and I do not think I will ever be the executive director of the Sierra Club.

Mr. HANSEN. I understand they pay more. You ought to look for that one.

[Laughter.]

Mr. HANSEN. Anyway, as you get down to the idea, in effect, they have stated that cherry stems are not pure wilderness; that that is a device of man that should not even be there; in other words, we are doing it for a water system; something like this that you mentioned, something like that, a road to get in to take care of those fish; they would all be considered a cherry stem.

What I cannot understand, really, is they boil it all down to this: at one time, we could have settled this thing with you folks at 3.2 million acres. I had an agreement from Clive Kincaid, the first guy that had SUWA. Did he not start it?

Mr. YOUNG. Clive was the original founder. I would be happy to give Clive a call and see if he remembers that agreement.

Mr. HANSEN. Whatever; it does not matter to me.

Anyway, the 3.2, we could have done this thing. Then, you went for a long time on 5.7. Strangely enough, when Mr. Babbitt did his inventory, inside of a month or so, you went to what? 9.3? My question is this: in this beautiful area we are looking at out here, I cannot understand why you did not have this in your 5.7. You did not have any of this in.

Mr. YOUNG. I would be happy to answer that.

Mr. HANSEN. The floor is yours.

Mr. YOUNG. There were two primary reasons: first, as BLM earlier or the Department of the Interior earlier noted, this is an area that historically was checkerboarded with private ownership due to the construction of the transcontinental railroad. BLM worked very hard to block those lands together so that they would be able to have a more manageable piece of land, and at that point, they determined that it would be appropriate to inventory it to see if it had wilderness characteristics. When they did so, they did indeed find that it had those characteristics.

We had a similar experience with that land.

Mr. HANSEN. So you are saying if there is private land or state land, you would not consider this as being appropriate.

Mr. YOUNG. No, that is not what I am saying. I am saying the extent of checkerboarding was so intensive, where you had every other section—

Mr. HANSEN. But is it not true that you have in your proposal of nine-point-whatever it is some checkerboard sections?

Mr. YOUNG. We certainly have state lands within.

Mr. HANSEN. And some private lands?

Mr. YOUNG. And some private in-holdings, absolutely, as you see in all wilderness proposals.

Mr. HANSEN. And that is checkerboarded every bit like this was. I will get back to the question: why did you not do it in the—why is it now sacred, pristine ground? It has got structures in it; it has got roads in it; it has got cattle ponds in it; it has got all of that stuff, and now, it is sacred and pristine, but just a year or two ago, it was not.

Mr. YOUNG. Well, again, the first part of that answer is what I just said: just as BLM found that it was now appropriate to consider it, we did the same. The second is that in our original inventory, we made certain not to include anyplace that we had not been out on the ground. We knew that there were places of wilderness quality that were not included, but we sought to be very conservative and very rigorous.

Mr. HANSEN. Let us get to the bottom line: is it not true that you just do not want any wilderness put in there because it would fold you guys up?

Mr. YOUNG. I have to tell you from the bottom of my heart, Mr. Hansen, that that is not true.

Mr. HANSEN. Then why is it that you went from 3.2 to 5.7 to 9.3? I bet if I put a bill in here for 9.3, you would want 12.5. In fact, one of your guys even said that to me.

Mr. YOUNG. Mr. Hansen, if we had a clean bill with clean management language, and if it was for 9.3 million acres with reasonable, sensible boundaries, I would quit my job.

Mr. HANSEN. Mr. Young, let me say this to you: the bill that is before you right now is everything you asked. It is there. It is clean; it has got the boundaries; it has got the standards; it is everything. If we went to what you have, we have got a convoluted mess. We have roads that people have used, that the county has maintained. We have structures; we have the whole thing. At one time, you did not even want it. And now, all of a sudden, we have proposed it, and you are against it.

I have been on this Committee 21 years, and I have never seen SUWA be for anything, even I heard them object to Wayne Owens on a few things, your hero. And I may ask another question: when Wayne Owens was sitting right here on this Committee in the majority, the Democrats had the House; the Democrats had the Senate; the Democrats had the President, and I was ranking on the Committee that Mr. Hefley now chairs. We could not get him to ask for a hearing. Now, why is that?

Mr. YOUNG. Well, I am not here to speak for Mr. Owens. At that time, I was a professor at Brigham Young University, and I honestly cannot speak for him.

Mr. HANSEN. From the bottom of your heart, if we gave you a pure bill, you would come in here and testify in favor of it; is that right?

Mr. YOUNG. I have already said today—

Mr. HANSEN. I gave you one.

Mr. YOUNG. I have already said today that if we had clean management language without the unprecedented military use language; without the unprecedented release language; with standard water language and had boundaries that adhered to the boundaries in America's Red Rock Wilderness Act for the Pilot Range, we would support it.

Mr. HANSEN. Let me correct you on one thing. When you were talking about military, you mentioned the California Protection Act. I handled it for the minority side; 3 days; we had that language in it. Go back and check it. We had that language in it.

Mr. YOUNG. We would be happy to check the language in the bill as passed.

Mr. HANSEN. Well, moot point, but it was in it.

Mr. YOUNG. The bill as passed?

Mr. HANSEN. It was taken out by some environmental groups that took it out. We have that same language here. Do you think it is important? I would never question your patriotism, Mr. Young. I know you are a very patriotic fellow. But I do question your folks' understanding of military problems. The Colonel was here talking about the necessity of overflights; the necessity of high-low, the whole nine yards, and I cannot understand why you have put that objection.

Mr. YOUNG. Well, I suppose for much the same reason that the Department of the Interior last year strongly opposed similar language.

Mr. HANSEN. On this?

Mr. YOUNG. Yes, on this military use language.

Mr. HANSEN. We hardly consider Mr. Babbitt the criteria—well, never mind. I will not get into that.

Anyway, Mr. Chairman, I think I have gone over my time. I apologize, and next time you go over your time in full Committee, I will look the other way.

Thank you, Mr. Young.

Mr. HEFLEY. You owe me a little time there, Mr. Hansen, but I know this is important to you, and this is your state, and I think that is very important to give deference to you and your state.

Let me ask you, Mr. Young: assuming you are not going to get what you want, and I think that is a fairly good assumption, then, would you be for this if this is all you are going to get, because you are adding 20-some-thousand acres of wilderness, which is what your agency wants to do, and at this point in time, if this was all you were going to get, would you be for this bill?

Mr. YOUNG. In its current form, this bill is unacceptable. It contains language that would undermine the Wilderness Act of 1964; the military use language; the release language; the water language. These are things that not only we but conservation groups across the country will be very, very concerned about.

Mr. HEFLEY. You do not think that language needs to be modeled to fit the various situations? You have various levels of wilderness,

obviously, and I have packed on horseback into a lot of wilderness areas, and you have different levels of wilderness; you have different things going on up in the wilderness. You have head gates in some wilderness and not in others and salt licks in some wilderness and not in others and all kinds of things.

So you do not think that it is legitimate to designate a wilderness with specific language that accommodates that particular wilderness and, for instance, the cutthroat trout situation here which we have which we do not have everywhere in every wilderness?

Mr. YOUNG. Well, as I noted, we have had more than 100 wilderness bills passed. All but two have been silent with respect to military use language. We would be willing to accept military use language similar to those in the Arizona Desert Wilderness Act, the California Desert Protection Act and language that would protect low-level overflights; language that would protect the capacity to maintain equipment on the ground.

Mr. HEFLEY. We have had some enormous problems, and I think the Colonel could tell you that, with this because there is not the proper language in there, and you get the wilderness designated and so forth, and then, the groups such as yours come in and try to shut down the training missions of the Defense Department. And, you know, that is very, very important. I mean, these are two values that are both important.

Mr. YOUNG. Well, it is interesting.

Mr. HEFLEY. But I guess you have to decide whether the value to protect the nation is more important than the wilderness value or if the two can be compatible if you compromise a little bit.

Mr. YOUNG. We think they can be compatible. There have been wilderness study areas within the UTTR for more than 15 years; hundreds of thousands of sorties have been flown. The Colonel indicated one instance where there was a downed airplane, jet plane within a WSA, and the military was able to go in and make that retrieval. We have had really no difficulties with the interaction between Interior and Defense within the UTTR over the past 15 years, even at the same time that we have had hundreds of thousands of acres of wilderness study areas that we have a keen interest in and other lands that we have a keen interest in.

What we really are seeking is the balance that would come with appropriate military use language, language that did not take away from us the opportunity to experience wilderness but still left the airspace intact; language that still gave the military access to existing equipment for maintenance. We are very comfortable with that and supportive of that.

Mr. HEFLEY. Okay; thank you very much.

Does the other gentleman from Utah have any questions?

Mr. CANNON. Thank you; I do have questions, and I would appreciate some time.

Mr. HEFLEY. Mr. Cannon, you are recognized.

Mr. CANNON. First of all, I would like to thank Mr. Harja and Mr. Young for coming out today. We appreciate that. As a matter of fact, I was just thinking, Larry: I do not think you have ever testified while I have been here, have you?

Mr. YOUNG. Not on this side; over on the Senate side, I have.

Mr. CANNON. Well, welcome. Welcome to the lion's den, so to speak.

Mr. YOUNG. Thank you; thank you.

Mr. CANNON. Your organization has been working with the county commissioners in Emery County on the San Rafael bill. Is that making progress, or are we at an impasse?

Mr. YOUNG. I hope it is making progress. We have invested a lot of time. I have personally been attending those meetings. I have been disheartened by the lack of civil discourse in the debate about wilderness designation in our state. I do not think it is good for our state, and I hope that I can be a positive force for more responsible conversations.

So I think it has been a good several months as we have worked with representatives from Emery County, and we do have a major meeting that we will be having over the next few weeks, and I think that will be a meeting that will help determine whether or not this has been a successful exercise.

Mr. CANNON. Well, thank you. I want to just for the record point out that you and I have always had very pleasant conversations, and the discourse between us has been very civil, even when we have disagreed pretty stridently. Have you identified what the concerns are that remain between those who are proposing the Centerfield bill and SUWA?

Mr. YOUNG. Yes, sir; we have looked at a broad range of issues, and everything—because this is a bill that is seeking to be a national conservation area rather than a wilderness bill per se, it means that management language is much more complicated, and the issues at stake are much more complicated. So we will be meeting with the county commissioners and I think really addressing seven or eight key issues during our multi-day meeting.

Mr. CANNON. Okay; great.

Let me just point out from my perspective that the issues are complicated and difficult, but the language should not be; if you are dealing with a context for resolving the problems over a long period of time that that can be done with lots of different kinds of language, and I hope we can make some progress on that.

You said you were attending the meetings. Are you living in Utah now?

Mr. YOUNG. I am living in Utah. I moved back to Utah a little over a year ago, and it is nice to be back home.

Mr. CANNON. No wonder I had not seen you here. Welcome.

In the discussion of Centerfield, I mean, embodied in that discussion is that you are dealing with now, instead of one large wilderness bill for the whole state, you are dealing with wilderness and other concepts. Is that something that your organization has now decided to live with so that, in fact, we will be able to take some of these smaller pieces; solve some of the problems that are critical now; and move on rather than tying everything up until we can do it all in one big bundle?

Mr. YOUNG. Well, we think that the best way to approach this issue is in a comprehensive, statewide fashion. And so, we remain strong supporters of America's Red Rock Wilderness Act, and we are excited about the progress and the momentum building for that. However, in the 106th Congress and in the 107th Congress,

we have demonstrated in several instances a willingness to engage in serious conversations. Unfortunately with the current bill, we were not invited to have similar input, even though I think there were opportunities for that, even opportunities within a week of the time that the bill was filed.

Mr. CANNON. When you say the current bill, you are talking about the Pilot Range—

Mr. YOUNG. Correct.

Mr. CANNON. Okay; right, because you have been in conversation with our Centerfield guy—

Mr. YOUNG. Absolutely.

Mr. CANNON. —for a year now, right?

Mr. YOUNG. Absolutely.

Mr. CANNON. Good; but moving to the Pilot Range; now, in fact, I want to ask one other question before I get to the current bill. Are you familiar with the theory of the recreational opportunity spectrum?

Mr. YOUNG. That is a new one to me.

Mr. CANNON. Okay; let me ask you this: do you view the wilderness designation as a recreational designation or a land protection designation? And I do not know if you have a policy—I have talked to several members of SUWA who view it as recreational. So if you can answer for SUWA and for yourself, I would appreciate that.

Mr. YOUNG. For SUWA and for myself, the values inherent in wilderness extend far beyond recreation itself. Those values include protecting a range of resources: archaeological, scientific, wildlife. They include values of basic spirituality; so a range of values that extend far beyond recreation itself.

Mr. CANNON. Thank you. I see my time has expired and yield back.

Mr. HANSEN. [Presiding] Do you want some more time?

Mr. CANNON. Yes, actually.

Mr. HANSEN. Well, I will give it to you in just a minute.

[Laughter.]

Mr. HANSEN. Let me ask you this: and I am very grateful to see this. I did not think I would ever see the day where you were working intensively with county commissioners in Emery County on San Rafael.

Mr. YOUNG. Yes; it was not a process we initiated. We think that the most appropriate way to resolve this issue is with a comprehensive, statewide bill. With the West Desert Initiative between the Governor and the Secretary, we sought to be productive in our involvement. In the San Rafael Swell area in Emery County, we have sought to be responsible and productive in our involvement. And so, even though these are not our bills, and they are not—it is not a process that we would construct in this particular fashion, we have tried to go to the table and be strong advocates for protecting what wild places remain but also engage in responsible conversation.

Mr. HANSEN. Well, you have made an abrupt change from the memorandum that I have received that says that you would not involve yourself in that, and we tried to get you folks to do that many, many times. Was it Ken Rait who was on Take Two with the then-Director of Natural Resources Ted Stewart and said they

did not do it? And then, I was on Take Two with another one who said they would not do it, and no one ever responded to our correspondence when we asked you, the Governor and I—not you; I am referring to the Southern Utah Wilderness Alliance—to work with us on this wilderness bill that we introduced, which was statewide, which you have now said you would rather go statewide.

Would it not have been better if you had come to the table instead of taking that hard line position? And we could have worked that out possibly, maybe the Governor and Babbitt and SUWA and the Sierra Club and the cattlemen and the ATVs and the Backcountry Pilots? We could have all sat down and worked it out. That is how we did the 1984 Wilderness Bill that passed. That was the only way we got it to go. But we could not get you folks to do it. Now, you come and tell this Committee that that is what you want to do. What caused the change?

Mr. YOUNG. Two responses to that: the bill in the 104th Congress, as introduced, was deeply flawed. We sought to participate in a series of public hearings that were conducted throughout the state. We sought to submit public comment. But the resulting product fell far, far, far from the vision that the conservation community has and was unacceptable.

Mr. HANSEN. Who did you talk to? I was the author of that bill. No one came to me. I had people come to the hearing that criticized it. We even asked. I remember Governor Leavitt in Nephi asking to have people come and sit down and talk about it. Not one person showed up. And then, we got this—was it Ken Rait? Am I saying it right?

Mr. YOUNG. Yes, you are; that is—

Mr. HANSEN. Mr. Rait put a memorandum out, and I am sure you have got a copy of it. If you do not, I will furnish it to you. It said we will not do that. Now, you are telling this Committee today that you now intend to sit down and become players on these things. Is that correct?

Mr. YOUNG. What I am telling you is that since January 1999, we have sat down in two different settings: first in the West Desert, second in the San Rafael Swell area, and we have sought to engage in constructive conversations. These are not bills that we are sponsors of. They are not bills that we are encouraging. But we are willing to sit down and see if there is sufficient common ground to fashion bills in these areas.

Mr. HANSEN. I commend you for that. I hope that is the way you go, because you are never going to get this thing done—I will guarantee it; when we are both pushing up daisies, Mr. Young, unless people will sit down and talk.

Mr. YOUNG. Well, one of the challenges—

Mr. HANSEN. There is part of your testimony that says come, let us reason together, and I think that if you folks would do that, this thing would have been done 10 years ago. But you have always taken that hard line. This is the most dramatic testimony I have ever heard from SUWA that you just gave, that you have changed your way of doing business; you will now sit down and work on bills.

Now, you added another thing I kind of liked a minute ago: you said we should be civil in these things. I could not agree more.

Mr. YOUNG. One of the challenges, from my perspective—

Mr. HANSEN. Excuse me; go ahead.

Mr. YOUNG. One of the challenges from my perspective is we have so often a reification of images of one another. I have heard again and again and again that the only reason that SUWA exists is to raise money, that we are not interested in designated wilderness. It is not a true statement. It is not why I left my tenured professorship at Brigham Young University; took a pay cut in order to become executive director of the Southern Utah Wilderness Alliance. It simply is not true.

Mr. HANSEN. Well, let me say this: let us go back to the civil thing. Do you think it is fair when we get into these issues for your people or our people to make personal attacks on you?

Mr. YOUNG. You know, I always feel that we never make progress when we call somebody dumb. Now, their bill may be dumb, or their proposal may be dumb, and I think that is okay to say. But when we end up calling the person dumb, yes, I prefer not to do that.

Now, do I control everyone who belongs to the Southern Utah Wilderness Alliance? Absolutely not. Excuse me.

Mr. HANSEN. Excuse me. Well, you would be surprised how many things we have traced, written in the paper, to Southern Utah Wilderness Alliance and the Sierra Club. I wish it was just a mild word like dumb: accusing them of being on the take; accusing them of brown envelopes being shoved under their door and all that stuff; I do not think that is called for.

I cannot think of a time when anyone on this Committee ever personally took you on, Ken Rait on, Clive Kincaid on or any of those people personally. Now, we will disagree with you. That is fair. That is the fun of it. That is the good part of it. It is like in a debate, being one of the old dogs here, I have been asked to tell a lot of Republicans how to run, and our first statement is do not ever get into personalities. Are issues fair? Absolutely, issues are fair.

I think you folks have substantially hurt your cause by making personal attacks on a lot of people.

I yield to whatever you want, because I am leaving, and I am going to give you this.

[Laughter.]

Mr. CANNON. Hallelujah!

Mr. YOUNG. Mr. Chairman!

Mr. HANSEN. He has been waiting to be a Chairman for—how long you been here now?

Mr. CANNON. I thought I was going to make it this time, too, but not in this Committee.

Mr. HANSEN. Let me thank you, Mr. Young. I appreciate your coming. Mr. Harja, thanks so very much, and you folks who have sat through this very interesting exchange.

Mr. CANNON. [Presiding] And let me point out that this is not long. I am now 1 minute late for a meeting that will take me 2 minutes to get to.

Mr. HANSEN. At the end, you have got to adjourn it, you know.

Mr. CANNON. I think I can get those words.

But I do have a followup that I wanted to do. I would encourage you to take a look, and we have some information on the recreational opportunity spectrum. It is an intriguing idea, because the concept is that what you are doing with the wilderness is designating a way to have recreation, and the array of recreation, one of those concepts is what you mentioned; I think you called it spiritual. Maybe people have different views, but it is the ability to be away from modern society.

And it seems to me that there is a theoretical problem that I hope you will begin to struggle with. In fact, let me just divert, and I wanted to say this when Jim was here; but for the record, I wanted to be clear that since you have taken over, and it has gotten better as you have asserted your role there, the personal attacks and the personal offensiveness has declined dramatically. Now, we have differed very much on what the truth is, and I have been very direct with you when I believed that your organization had stepped over the line.

But the civility of the discussion has not just been unilateral. I hope that I have contributed to that; you certainly have contributed to the civility of that discussion.

But back to the recreational opportunity spectrum. There is a theoretical problem that is—responding the way that you did to your last question, the last question I asked, which is there are an array of values that are important in wilderness; it seems to me that that argument—if you are arguing that wilderness is important because it is recreational; because the concept is getting distance from modern mankind, that is the context in which you get the largest amount of wilderness, because you want to create places where you can actually get away.

If, on the other hand, you are talking about archaeological or spiritual or recreational or other limited kinds of recreational, other kinds of uses of land under the designation of wilderness, then, you have the problem of complexity, and the problem with the wilderness concept is it is not complex. The wilderness process is a heavy-handed, harsh, clear designation and, in fact, is being used right now to impede the process of controlling wildfires in Colorado, where they are allowing chainsaws to go in but no dumping of slurry from airplanes or helicopters, and presumably, if we get firemen in danger, those firemen will be extracted by helicopter, but, you know, the rigidity of the act has been demonstrated under those circumstances.

So what I want to do is give you an opportunity to respond to the complexity that you have indicated you think is important in the wilderness concept and how you deal with those with wilderness legislation or designation as opposed to a more complex legislative structure.

Mr. YOUNG. Well, in the past 37 years, since the Wilderness Act was passed, we have I think entered approximately 104 million acres of land into the National Wilderness Preservation System. I may be off a few million acres but somewhere in that vicinity, and I think that we are a better nation for that. I think that the Wilderness Act, which provides statutory protection in the law, has served us very well.

One of our concerns is when we create these wilderness bills with exceptions, with language that undermines genuine wilderness protection with unprecedented language like that contained in H.R. 2488 that we weaken the National Wilderness Preservation System. And we think that lands that are worthy of wilderness designation should be afforded the protection envisioned by the 1964 Wilderness Act.

Mr. CANNON. If I might, with the forest wilderness that we have done in Utah, for instance, we have protected watershed. It is an incredibly important thing and very successful. But in your statement, if I might just point out, you are talking about preservation and protection of land in the context of wilderness, and I think the question I asked you is do you view this as protection of the land, or do you view it as a recreational? You answered it is complex.

Do you want to readdress that? Are we dealing with protecting land, or are we dealing with the opportunity for human beings to have a different kind of experience that can only be had in the context of wilderness?

Mr. YOUNG. Well—

Mr. CANNON. Then, again, how do we deal with the complexities that those two very different concepts hold? I do not know that you can answer that. I just want to suggest that the issue here is not one of philosophy purity; it is one of balancing the competing interests that are there.

And moving away from that, I would like to ask just another question, and I may have missed this because I was not in here, but you have said that the Pilot Range has wilderness characteristics. At the same time, you are complaining about the overflights, which would be inconsistent with wilderness characteristics. Is your position that we ought to reclaim this from the overflights? In other words, are you going from the wilderness, the approach to wilderness backwards from what the concept originally was, which was to identify wild areas and saying we could reclaim these wild areas by eliminating overflights?

Mr. YOUNG. I have stated already, and I do not think you were here, that we would be willing to accept military use language similar to that in the Arizona Desert Wilderness Act, the California Desert Protection Act. Our position, I think, is that wilderness is a place where the presence of man is largely unnoticed, and yes, it may be that on occasional days for a few seconds, there is a low-level overflight that is intrusive, but it is a fairly short-term intrusion, and the experience of wilderness is not fundamentally compromised.

Mr. CANNON. So the idea that there are currently overflights in your mind does not discount the area as wilderness?

Mr. YOUNG. We have felt very good about the capacity for wilderness study areas within the UTTR to retain their wilderness characteristic over the past 15 years or so that those two entities, wilderness study areas and the UTTR, have coexisted?

Mr. CANNON. Great; thank you.

Mr. Harja, do you have anything that you would like to add at all to this debate?

Mr. HARJA. A little bit. One, I would just like to note for the record that Mr. Young mentioned Bettridge Creek at the south end

of the proposal there. I believe there is a road that parallels the creek, and there is an aqueduct, and the idea of cherry-stemming the road would also encompass the creek. So I am not sure you are going to get a lot of protection there.

Second, I think the State of Utah would agree with Mr. Hansen and yourself that this is a balancing process, and I do not believe there is any wilderness in the Lower 48. If you want wilderness, you need to go to Siberia or Alaska. What there is is rural land. That rural land is being used—has been used since the Indian times and the pioneers for a lot of purposes. What the state is interested in is the balance between those uses and setting aside this land as some sort of protection zone, which we have agreed to do.

We have all of those appendices that were previous Congressional statements about how those lands were managed. They include wildlife management techniques; they include grazing; and we would argue they include the water needs. We support that. That is a compromise. It is there; it is law, and we support the reaffirmation of that here.

That is it; thank you, Congressman.

Mr. CANNON. Thank you; actually, another question occurs which I would like to ask you, Mr. Young. We had Teddy Roosevelt, III in our Committee the other day, and I had a very interesting discussion with him. I asked him and would like to just repeat my question to you about the possibility of doing a—are you familiar with Deseret Ranch in northern Utah and the concept of holistic resource management?

Mr. YOUNG. Yes, I am.

Mr. CANNON. Would you support or oppose or do you have an idea yet an experiment in the Grand Staircase-Escalante National Monument that would utilize the techniques of holistic resource management in that area? You realize that the rainfall is about the same; you know, this is a big, huge area in the monument, of course, but in much of the monument, the rainfall is about the same as that very lush Deseret Ranch. Is that something that you personally or that your organization would be interested in seeing happen?

Mr. YOUNG. While we as an organization do not have a formal position, I suspect that as long as the management technique did not compromise the integrity of the wilderness-quality lands contained in America's Red Rock Wilderness Act, it would not be an issue that we would address. But if it did compromise those lands as the holistic management strategy was implemented, then we would have concerns. So it is an open question that we would have to look at.

Mr. CANNON. Mr. Roosevelt's response was, you know, the bison used to wander the area; they chewed the grass down so it had the ability to grow up more robustly. They left biotic material; they broke up the surface. He understood the concept and then went on to say that if there was a small study that the groups that he is associated with would tend to support that.

I asked him if 100,000 acres would be viewed as a small study; he thought that that would be. We are not going to get a consensus, I am sure, on every detail, but you recognize the difference in the lushness of the Deseret Ranch and what we now have in

southern Utah. Is that something in principle that you personally would like to see happen?

Mr. YOUNG. Would I like to see the experiment?

Mr. CANNON. The experiment, relatively small, 100,000 acres.

Mr. YOUNG. As I said, we would have to look at the specifics. We would have to see if it would compromise wilderness quality lands. If it did not, then it is probably an issue that lies beyond the realm of our organization's focus, but we most likely would not have a problem. The question is what would its impact be on wilderness quality lands.

Mr. CANNON. As I understand what you are saying is that if this is outside the Red Rock Wilderness area, and I do not know how much is outside; I mean, you know, that is a huge area. I do not know if you could do that experiment outside. But if it were outside, you would not care. On the other hand, if it were inside some of those areas, you would care. Is it possible to come to an agreement? Should we pursue discussion with you, or should we go about it with other groups?

Mr. YOUNG. Oh, I think if the holistic system would compromise wilderness, when we seek passage of America's Red Rock Wilderness Act, and so, we do not have an antigrazing provision within that bill.

Mr. CANNON. Good, because I think that the Cow Free in '93, No More Moo in '92 movement by some of the environmental groups was deeply destructive to the environment, and I hope that we can turn that around. Just for the record, the Deseret Ranch is a remarkable place that is healthy and robust and highly productive of life, and I think that the area where I grew up, to a large degree, in southern Utah that is now in that monument could have the same robustness, and I would like to see that happen.

So we will probably deal with you again on that in the future. Thank you again very much for your time.

John, did you have something you wanted to add? You look like—

Mr. HARJA. I am fine.

Mr. CANNON. Okay; we thank you, and with that, this Committee will be in recess—not in recess; it is actually adjourned.

[Whereupon, at 4:43 p.m., the Subcommittee was adjourned.]

